Nos. 88-1182 and 88-6651

Supreme Court, U.S.
FILED
JUN 16 1989
JOSEPH F. SPANIOL, JR.
CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1988

BALTIMORE CITY DEPARTMENT OF SOCIAL SERVICES,
Petitioner,

v.

JACQUELINE BOUKNIGHT,
Respondent.

MAURICE M.,
Petitioner,

v.

JACQUELINE BOUKNIGHT,
Respondent.

On Writ Of Certiorari
To The Court of Appeals of Maryland

JOINT APPENDIX

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Petition For Certiorari In No. 88-1182 Filed January 18, 1989
Petition For Certiorari In No. 88-6651 Filed January 23, 1989
Certiorari Granted April 3, 1989

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Opinion and Order of Supreme Court of the United States (Rehnquist, C.J., Circuit Justice) in *Baltimore City Department of Social Services v. Bouknight*, No. A-494, extending stay of judgment of Court of Appeals of Maryland in Case No. 50 (December 21, 1988) ..... App.Pet.Cert. 1a-11a

Docket Entries

Name: Maurice

Docket No.: #88704202

Arraignment
Date: February 11, 1987
Before: Master Briscoe

D.S.S. Counsel: Sharon Wyatt

Mo. Counsel: Robin Parsons

Ch. Counsel: Leonard Schwartz

Court Reporter:
Plea: Shelter care to Baltimore City*

Hearing
Date: May 19, 1987
Before: Master Mitchell
D.S.S. Counsel: Sharon Wyatt
Mo. Counsel: Robin Parsons
Ch. Counsel: Leonard Schwartz
Finding: Stipulation and agreement of all parties—Facts sustained as to allegations—1, 3, & 7—Amend allegations 2, 4, & 6—Facts sustained as to allegations—1,2,3,4,6, & 7—per stipulation—Disposition postponed to July 18, 1987, at 9:00 a.m. before Master Mitchell. Shelter care to***

February 11, 1987—Memo: Subpoena Duces Tecum requesting records from: Frances Scott Key Medical Center, Central Police Records and Johns Hopkins Hospital filed with petition.

*Department of Social Services pending adjudicatory hearing on March 17, 1987, at 9:00 a.m. before Master Mitchell. Mother served. Set for preliminary hearing on March 3, 1987, for the father at 9:00 a.m. before Master Briscoe. All counsel filed appearances.

March 3, 1987—Master Briscoe—Preliminary Hearing—No one appeared. Proceed to adjudicatory hearing set on March 10, 1987, at 9:00 a.m. before Master Mitchell.

March 17, 1987—Master Mitchell—Adjudicatory Hearing—Mother requested postponement. No objections from other attorneys. Postpone and reset for May 19, 1987, at 9:00 a.m. before Master Mitchell. Parties waived right to hearing within 30 days. Mother served. Set for preliminary hearing for father—Terrance Miles, 1632 N. Durham Street 21213, for May 1, 1987, at 9:00 a.m. before*

**Master Mitchell. Issue personal service to father at the above address. Shelter care to Baltimore City Department of Social Services. Attorneys: Robin Parsons, Sharon Wyatt, and Leonard Schwartz

May 1, 1987—Master Mitchell—Preliminary Hearing—Father failed to appear, mother stated he did not live at address given, proceed to adjudicatory hearing set on May 19, 1987, at 9:00 a.m. before Master Mitchell.

***Baltimore City Department of Social Services. Robin Parsons shall arrange for mother's psychological evaluation and provide the court and counsel a copy of the evaluation. Mother served.

July 17, 1897—Master Mitchell—Disposition—Postpone disposition until August 8, 1987, at 9:00 a.m. before Master Mitchell. Order of shelter care with mother, if psychological reveals that the child would be at risk pending this hearing. Child shall be placed in shelter care to Baltimore City Department of Social Services. Psychologist shall determine extent of visits. Mother personally served today.
Attorneys: Jacqueline Boykin, Robin Parsons and Leonard Schwartz

August 18, 1987—Master Mitchell—Disposition—Child In Need of Assistance

****Baltimore City Department of Social Services (BCDSS)—for placement with mother. Conditions: 1)Baltimore City Department of Social Services shall submit progress reports every six (6) months. 2)Mother shall cooperate with Baltimore City Department of Social Services. 3)Mother shall continue in therapy until discharged. 4)Mother shall attend Center for Infant Studies at University of Maryland until discharged. 5)Mother shall continue to utilize services of parent aid as provided by Baltimore City Department of Social Services. 6)Mother shall refrain from physically punishing the respondent. (Leonard Schwartz to prepare the court order).
Attorneys: Robin Parsons, Jacqueline Boykin, and Leonard Schwartz

April 8, 1988—Memo—Filed: Petition for expedited Review of Court Order: Witness List: Certificate of Services: Subpoena Duces Tecum and Witness Summons/Family and Children Society submitted by James Becker, Special Assistant City Solicitor and Marilyn Blimline, Staff Attorney for the Baltimore City Department of Social Services—Respondent' court file forwarded to Master Price.

April 8, 1988—Master Price—Set for Court Review on April 20, 1988, at 1:00 p.m. before Master Price. Issue summons to parties and notice to counsel

April 19, 1988—Memo—Filed: Motion For Contempt and Petition for the Issuance of An Order to Show Cause submitted Attorney—Marilyn Blimline for the *****

*****Baltimore City Department of Social Services.

April 20, 1988—Memo—Respondent's court file forwarded to Master Price. Re: entry dated April 19, 1988.

April 20, 1988—Memo—Filed: Order to Show Cause—Re: Motion and Petition Filed—April 19, 1988. Refer to Mas-

ter Price. Respondent's court file in her hearing room. Re: Review hearing for respondent this afternoon.

April 20, 1988—Master Price—Review of Court Order—Mother failed to appear—was served with child. Shelter care ordered to the Baltimore City Department of Social Services, not to exceed thirty (30) days. Issue Bench Warrant for mother.
Attorneys: Marilyn Blimline, Robin Parsons, and Lisa Watts for Leonard Schwartz

April 20, 1988—Judge Angeletti—Motion for Contempt and Petition for the issurance of an Order to Show Cause Hearing—Motion for Contempt and Show Cause granted—to be served on mother upon apprehension—Bench Warrant for mother, Jacqueline Bouknight signed by the Judge.
Attorneys: Lisa Watts, Marilyn Blimline and Robin Parsons
Court Reporter: Carol Robinson

April 20, 1988—Warrant #161-88—Issued for Jacqueline Bouknight failed to appear for a hearing before Master******

******Price on April 20, 1988.

April 27, 1988—Jacqueline Bouknight—(Parent)—delivered to court on open warrant/warrant recalled—Respondent's court file to Judge Mitchell.

April 27-1988—Judge Mitchell—Miscellaneous Re: Warrant—Remand to Central Police District for processing—Re: Outstanding Warrant issued on April 20, 1988, at 9:00 a.m. before Judge Mitchell—Re: Warrant and Order to Show Cause.
Attorneys: Marilyn Blimline, Andrew Hines, and Lisa Watts
Court Report-Linnie Brown

April 28, 1988—Judge Mitchell—Miscellaneous Re: Warrant to remain open—Remand mother, Jacqueline Bouknight to Baltimore City Jail. Set for Court Review on May 18, 1988, at 9:00 a.m. before Judge Mitchell. Order for Psychiatric Evaluation and Order that Jacqueline Bouknight mother of respondent is found in contempt of the order of this court for failing to produce him before the court or to reveal his exact whereabouts and Jacqueline Bouknight shall be confined in the custody of the Warden, Baltimore City Jail without bail until such time that she purges herself of contempt by either producing the respondent before the court or revealing to the court his exact whereabouts, and Jacqueline Bouknight may purge herself at anytime by providing said respondent or information about him to the Baltimore City Department of Social Services or the Baltimore City Police Department in addition to this court. Orders signed by Judge Mitchell****

*******Court Reporter—Linnie Brown

May 2, 1988—Warrant quashed #161-88—per Judge Mitchell/Warrant with file.

May 10, 1988—Memo—Court file to Judge Mitchell as his request.

May 11, 1988—Judge Mitchell—Set for contempt hearing for mother—Jacqueline Bouknight on May 13, 1988, at 2:00 p.m. before Judge Mitchell. Issue writ to Baltimore City Jail for mother—Jacqueline Bouknight.
Attorneys: Marilyn Blimline, Robin Parsons, and Lisa Watts
Court Reporter—Karen McCue

May 12, 1988—Judge Mitchell—Postponement Court—Cancel Review hearing set for May 13, 1988, at 2:00 p.m. before Judge Mitchell. Court finds no emergency. Proceed to Review of Court Order set for May 18, 1988, at 9:00 a.m. before Judge Mitchell.
Court Reporter—Karen McCue

May 13, 1988—Judge Mitchell—Motion to disclose confidential information—Good cause has been shown to release the photograph, flyers of and identifying information of the respondent by the Baltimore City Police Department for public circulation of any and all photographs, flyers and indentifying information of the respondent child (Maurice M) effective immediately. Baltimore City Police Department to********

********release photographs of, and identifying informations on the respondent's natural parents (Terranc Maurice M and Jacqueline Bouknight) also.
Attorneys: Marilyn Blimline, Robin Parsons, Mitchell Merviss for Lisa Watts
Court Reporter—Karen McCue

May 17, 1988—Memo file to postponement court request of Marilyn Blimline.

May 17, 1988—Judge Mitchell—Postponement hearing—Case schedule for review of Court Order on May 18, 1988, at 9:00 a.m. before Judge Mitchell. Baltimore City Department of Social Services Attorney—requested postponement for review hearing because Dr. Eisenberg was not summons. No objection. Postponement denied.
Attorneys: Marilyn Blimline, Robin Parsons and Lisa Watts
Court Reporter—Carol Robinson

May 18, 1988—Judge Mitchell—Review of Court Order/ Contempt Hearing—Contempt order will stand until the Defendant, Jacqueline Bouknight produces the respondent child (Maurice M) The Defendant—Jacqueline Bouknight remanded to Baltimore City Jail—Attorneys to submit memorandum to the court Re: 5th Amendment rights by May 25, 1988. Court has had a camber's conference with attorneys. Court postponed review of court order. Motion hearing will be held on May 26, 1988, at 9:00 a.m. before Judge Mitchell. Attorneys have notice. Shelter care order to the*********

*********Baltimore City Department of Social Services for indefinite period.
Attorneys: Marilyn Blimline, Robin Parsons, George Lipman, Lisa Watts, and Mitchell Merviss.
Court Reporter: Carol Robinson

May 26, 1988—Judge Mitchell—Review of Court Order/ Contempt Hearing Mitchell Merviss, filed appearance as co-counsel for respondent. Contempt for mother, Jacqueline Bouknight, remanded to the Baltimore City Jail until the respondent child, Maurice M is produced.
Attorneys: Marilyn Blimline, Robin Parsons, George Lipman, Lisa Watts and Mitchell Merviss.
Court Reporter: Rachel Petix.

May 26, 1988—Order for Appeal entered to the Court of Special Appeals on behalf of Jacqueline Bouknight, mother of the infant respondent Maurice M., of the Court's findings and orders of contempt in the above captioned case by George Lipman, Assistant Public Defender and Robin Parsons, Assistant Public Defender.

June 3, 1988—Notice of Appearance, entering the appearance as counsel on appeal for appellant, Jacqueline Bouknight, mother of minor child in the above captioned case, filed by Dennis M. Henderson, Chief Attorney, Appellate Division, Office of the Public Defender.

IN THE CIRCUIT COURT FOR
BALTIMORE CITY DIVISION FOR JUVENILE CAUSES

PETITION NO. 88704202

MATTER OF

MAURICE LORENZO M

D.O.B. 10-3-86 AGE 4 ms. SEX M RACE Black

ADDRESS: DSS Facility

MOTHER: Jacqueline Bouknight

ADDRESS: 1726 N. Washington St. 21213

FATHER: Terrance Miles

ADDRESS: 1632 N. Durham St. 21213

PETITION

The State of Maryland respectfully states that the Respondent Child, hereafter Respondent, is a CHILD IN NEED OF ASSISTANCE because the Respondent is mentally handicapped and/or is not receiving ordinary and proper care and attention and the Respondent's parents are unwilling or unable to give the Respondent proper care and attention in that among other things:

1. On January 23, 1987, the Respondent was taken to the Francis Scott Key Medical Center for a swollen leg. Examination by Dr. Timothy Dorian revealed a fracture of the left femur. The Respondent was admitted to the Francis Scott Key Medical Center at that time.

2. On February 4, 1987, skeletal x-rays were taken of the Respondent, which revealed old right humeral, scapular, and glenoid fractures from healed injuries.

3. In November, 1987, the Respondent was hospitalized at Johns Hopkins Hospital for clamydial pneumonia. The

old fractures of the right humeral, scapular and glenoid were medically documented on x-rays taken of the infant at that time.

4. The Respondent's mother stated that the child received his fractured femur, during an altercation she had with an acquaintance. The Respondent's mother states she fell on the child when she was pushed by the acquaintance. She is unable to provide information so that an investigation of the situation can be successfully completed.

5. The Respondent's mother has no explanation for the child's healed fractures.

6. The Respondent's mother has emotional problems, a condition which renders her unable to provide consistently adequate care, protection and supervision of the child. She has been observed shaking the infant and throwing him in the crib, during his hospitalization. She has also been verbally abusive to doctors and a social worker during the investigation of this suspected child abuse.

7. The Respondent's father was recently released from jail. He was incarcerated from June 23, 1986 until January 10, 1987 for cocaine distribution.

WHEREFORE, Petitioner prays that the Court make such findings, including a finding where appropriate, that reasonable efforts were made to prevent placement, and pass such Orders or Decrees as the law provides, including an Order removing the Respondent from the custody of the Respondent's parents, guardian or custodian when in the Respondent's best interest, and placing the Respondent in the custody of the Petitioner, or another appropriate agency or person.

THE PETITIONER FURTHER PRAYS that the Court pass an Order of Shelter Care in this matter to insure the continued protection and care of the Respondent.

WITNESSES: See attached Witness List which is incorporated by reference.

The Department of Social Services of Baltimore City by:

AUTHORIZED BY:
INTAKE CONSULTANT
9346

/s/ Denise Ippolito
PETITIONER
234-2492 PBD-400

Date 2/11/87

The Respondent was placed in Shelter Care on 2-10-87

The Parent(s) were notified of Shelter Care.

FILED: 11 2 87

THE JOHNS HOPKINS UNIVERSITY
SCHOOL OF MEDICINE

ERROL L. BENNETT, M.D.
Assistant Professor

Please address reply to
FRANCIS SCOTT KEY MEDICAL CENTER
Department of Orthopaedic Surgery
4940 Eastern Avenue
Baltimore, Maryland 21224
(301) 955-0453

March 3, 1987

Ms. Denise Ippolito
Social Worker
Protective Services
312 East Oliver Street
Baltimore, MD 21202

RE: Maurice M.
FSK#: 84-73-51

Dear Ms. Ippolito:

Maurice M was admitted to Francis Scott Key Medical Center on 1/23/87 suffering from a fracture of the left femur. His mother stated that she fell while holding the child and he injured himself in this fashion.

On examination, it was found that he had a left femur fracture shown on x-ray which was treated in skin traction. A physical survey was performed on 2/4/87 revealing fractures in various stages of healing effecting the right humerus, right scapula and glenoid. Films done at the Johns Hopkins Hospital at age 2 months when this child was admitted for pneumonia indicated the presence of these fractures also. There is no evidence of birth trauma in the medical records from the Francis Scott Key Medical Center, and there are reported incidents which occurred while

in the hospital where the mother apparently ill-treated the child while visiting. The child was also noted to have inability to move his right upper extremity, and neurologic consultation was obtained with a view to determine whether or not this was a brachial plexus injury, root avulsion or some form of birth palsy. The patient was referred to Pediatric Neurology at Johns Hopkins Hospital; an appointment is scheduled for 3/9/87.

My concern about Maurice is that it is most unusual for a 3 month old to have long bone fractures, and even more unusual for them to have multiple fractures involving different limbs and the flat bones of the appendicular skeleton as well. The suspicion that this is the result of some form of child abuse is very high and I am concerned that this child may suffer serious or fatal injuries if the conditions leading to this form of abuse are not corrected.

I hope that this will answer your questions. If there is any further information that you may need, please contact me.

Sincerely,

/s/ Errol L. Bennett
Errol L. Bennett, M.D.,
Assistant Chief of Orthopaedics
Francis Scott Key Medical Center

Assistant Professor, Orthopaedic Surgery
Johns Hopkins University, School of Medicine

ELB/mls

FRANCIS SCOTT KEY MEDICAL CENTER
DISCHARGE SUMMARY

NAME: M , MAURICE
NUMBER: 084-73-51
3-month-old black male
second FSKMC admission.
ADMITTED: 1-23-87
DISCHARGED: 2-10-87
SERVICE: PEDIATRICS
ADMITTING: T. DORAN
ATTENDING: T. DORAN

DIAGNOSIS:
Acute left femur fracture, old; right humeral, scapula and glenoid fracture; rule out child abuse.

BRIEF NARRATIVE OF HOSPITAL COURSE: BRIEF HISTORY OF PRESENT ILLNESS:
This is the second FSKMC admission for this 3-month-old black male with a left femur fracture. According to Mom, she and an acquaintance had an altercation on 1-19-87. The acquaintance, Angela Myers, supposedly pushed mother who was holding Maurice. Mom then fell backwards, landing on her left side onto a step. Maurice was in Mom's left arm and hit his left side on the step also. Mom claims Angela is a cocaine user whom she has had fights with in the past. Angela supposedly pushed Mom when she was pregnant, almost causing her to "lose her baby." Mom states Angela wants money which she would not give her leading to this incident. After the fall, Maurice cried, but looked alright according to Mom. She decided not to call the doctor, but to watch the baby. She noticed that he did not move his left leg, but was otherwise normal.

On the morning of admission, Mom states Maurice's left leg appeared puffy, tried to call her regular doctor at Johns Hopkins Hospital and when she couldn't reach this doctor, she brought Maurice to Chesapeake Health Plan.

X-ray was positive for left femur fracture. PS was contacted and the case was reported.

Past hospitalizations: 1986, Francis Scott Key, transferred to Johns Hopkins Hospital for Chlamydial pneumonia. No other illnesses or surgeries, no other known accidents or injuries. Immunizations are up to date, has received one series of DPT, OPV. Regular doctor is Dr. Patricia Shearer at Johns Hopkins Hospital.

Birth: Born at Francis Scott Key, 10-3-86, full term vaginal delivery, weight 8 lbs., 6 oz. without complications. No known birth injury and no injuries in old records. Discharged from the nursery in two days. Is on no medications, takes Similac with iron, no known allergies.

FAMILY HISTORY:
Negative for diabetes, heart disease, high blood pressure, lung diseases, no history of asthma, no history of sickle cell disease, no history of osteogenesis imperfecta. Mom is 20 years old, alive, in good health. Dad is 21, alive and in good health. No other children.

PHYSICAL EXAMINATION:
Temperature is 99.8, pulse 140, respiratory rate 36, weight 4.92 kilograms. General appearance: Well developed, well nourished black male infant in no acute distress. Skin: Cool, dry without lesions or rashes. Left thigh is swollen without discoloration. Fingers are noted to be long. Head: NC, AT, anterior fontanelle soft and flat. Eyes: PERRLA. Ears: TM's not visualized. Nose: No discharge. Throat: Not injected. Neck: Supple, no lymphadenopathy. Lungs are clear. Heart: Regular rate and rhythm without murmur. Abdomen: Soft, bowel sounds present, no hepatosplenomegaly Musculoskeletal: As noted, the left thigh is swollen, held limply by baby, no spontaneous movement, no gross deformity. No other deformities. Neurovascular examination distally to the left thigh is intact. Pulses 2+ and equal bilateral. Neuro examination: Alert and active without focal findings. Bilateral upper arm weakness and decreased tone.

LABORATOTRY DATA:
Left femur is fractured. Hematocrit 27.5.

HOSPITAL COURSE:
The patient was admitted to A5 Center with the diagnosis of left femur fracture initially. Orthopedic consultation was obtained. The baby was placed in skin traction. Neurovascular checks were done distally q.1.h. times 24 hours and q.4.h. PS as mentioned were contacted. While on A5 Center, the patient received portable x-rays, skin traction placement seemed satisfactory based on x-ray results.

Repeat CBC on 1-25-8 showed white blood count of 5.7 with hematocrit of 28.2 and reticulocyte count of 2.4. Urinalysis was negative. The hematocrit was repeated on 2/2/87 due to suspected blood loss. The result was 32.1 with rectic count of 4.6 which was improved.

The patient was seen by Dr. Bennett, pediatric orthopedist, in question to upper arm extremity weakness. Dr. Bennett raised question of brachial plexus injury and suggested neuro consult to be obtained. Dr. Shakra from Neuro, Francis Scott Key, saw patient on 2/5/87 and Dr. Cohen, peds Neuro chief resident from Hopkins, saw patient on 2/8/87. Findings included upper extremity weakness with decreased tone. Differential diagnoses include root avulsion, brachial plexus injury with cord injury. Dr. Cohen's exam showed decreased tone in the arms, proximal worse than distal, right worse than left; also decreased upper extremity movement. He suggested EMG's which were scheduled to be done at Johns Hopkins on 3/9/87 at 1 p.m. and follow up with Pediatric Neurology on 4/1/87 at 2 p.m.

Maurice was placed in a spica cast. On 2/4/87 skeletal survey revealed right humeral, scapular and glenoid fracture as well as old fractures. These fractures were also observed at films done at Johns Hopkins at age two months

when Maurice was admitted for Chlamydia pneumonia. As mentioned, there is no indication of birth trauma during delivery at Francis Scott Key Medical Center. This information was given to DSS by Ms. Callam, the social worker at Francis Scott Key. While on A5 Center nursing staff has noted behavior changes in mother. Another patient's parents on the floor noted incident where mother shook baby while holding him. She was also observed dropping baby into crib with side rails up. This was when he was in his spica cast.

Physical exam while on A5 Center has remained unchanged. The patient is to be discharged to foster care by DSS on 2/10/87. Follow up with Dr. Doran at Chesapeake Health Plan. Also, as mentioned, follow up with Pediatric Neurology, Dr. Cohen at Johns Hopkins and EMG test to be done. A nerve condition study was done while on A5 Center by Dr. Bleecker, results of which are pending. A CT without contrast to rule out occult bleed is to be done on 2/9/87, results pending.

DICTATED BY: /s/ P. Letke PAC for J. Hopkins PAC, P.A.

GLENDA HOPKINS, P.A.

GH:TL6306422
DD: 2-9-87
DT: 2-9-87

Addendum
CT Scan in contrast of the head 2/9/87 revealed no occult bleed; normal CT; ventricles upper limits of normal

D/C Plans
D/C to DSS Custody
Meds: None
F/U: Dr. Doran Chesapeake Health Plan 34-2-7300 2/17/87 3:30 PM
Ortho Clinic FSKMC 2/17/87 1:15 PM for cast removal

Dr. Cohen Peds Neuro: JHH 4/1/87 2:00 PM
EMG 3/9/87 JHH 1:00 PM

Patricia Letke PAC

FRANCIS SCOTT KEY MEDICAL CENTER, INC.
HISTORY AND
PROGRESS NOTES

ADM 084735i-01-004
1242775 TP
M Maurice
10/03/86 M

Admitted 1/23/87

Mother—Jacqueline Bouknight

DATE: 2/3/87
TIME: 8PM

CHP Attending Note

Maurice M is a 3 mo old boy admitted by me 1 hr ago for a fracture of his L femur.

Ms. Bouknight stated to me that she was pushed by a drug-addicted neighbor while Maurice was in her arms, falling upon him. She brought him in for medical care 4 days later at which time he was found to have a fractured femur.

A skeletal survey was subsequently done at which time it was discovered that Maurice had healing fractures of his (R) humerus and (R)scapula & glenoid.

Mrs. Bouknight could offer no explanation for the old fractures, and she has since stated that she has "a bullet with his (my) name on it," to nursery personnel.

Maurice will be placed in traction and will have a SPICA cast placed. He will be followed by orthopedics. There is no need for treating of his old fractures.

/s/ Timothy Doran, M.D.

IN THE CIRCUIT COURT
FOR BALTIMORE CITY
DIVISION FOR JUVENILE CAUSE

DOCKET NUMBER(S): 88704202

RECEIVED MAR 27 1987

AMENDMENT TO PETITION

The Department of Social Services of Baltimore City amends its petition to include the following additional witnesses:

1) Marcia Fuller, Social Worker
   Family & Children's Society
   2502 St. Paul St.
   Balto, Md. 21218
2) Dr. Errol L. Bennett
   Francis Scott Key Medical Center
   Department of Orthopaedic Surgery
   4940 Eastern Ave.
   Balto, Md. 21224
3) Dr. Steven Cohen
   Johns Hopkins Hospital
   600 N. Wolfe St.
   Balto, Md 21205

/s/ J. Michael Keegan
Departmental Attorney
Department of Social Services
of Baltimore City
Legal Services Division
Room 231
1510 Guilford Avenue
Baltimore, Maryland 21202
Telephone: 234-2213

CIRCUIT COURT FOR BALTIMORE CITY
DIVISION FOR JUVENILE CAUSES

STIPULATION

RESPONDENT(S): MAURICE M
PETITION NUMBER(S): 88704202
DATE: 5-19-87

The parties stipulate to the following facts and disposition. The parties also stipulate and agree that these facts render Respondent(s) as Child(ren) in Need of Assistance as defined in Courts Article 3-810 of the MD CODE ANNOTATED and the proposed disposition is in Respondent(s) best interest. The parties further consent to an Order being issued effectuating the proposed disposition.

FACTS:

1. Reasonable efforts required by 42 United States Code Annotated, Section 672 (a) (1) and defined by 42 United States Code Annotated, Section 671 (a) (1-5) have been made.

2. All parties admit to allegation #1, #3, #7

All parties agree to #2 as amended. Add Dr. Dorian has stated that these injuries may have occurred during delivery. All parties agree to allegation #4 as amended to delete the last sentence. All parties agree to allegation #5 as amended to add Dr. Doran pediatrician has stated to counsel for the state that the injury could have occurred during delivery. Dr. Bennett, Orthopediatic Special strongly suspects child abuse.

All parties agree to #6 as amended; to read when Respondent's mother was herself a CINA she had documented emotional problems in 1982 & 1983. She has been observed shaking the infant and throwing him in the crib during his hospitalization. She has also been verbally abusive to doctors and a social worker during the investigation

of this suspected child abuse. She has been in therapy at Family and Children's Society since March 1987 and has been cooperative with her therapist.

DISPOSITION:

1. The Respondent(s') parent(s) shall notify the Court, their attorney(s) and the Department of Social Services of any change in their address.

2. The Court shall sign a Certificate of Hearing.

/s/ CANNOT READ NAME
COUNSEL FOR PETITIONER

/s/ Leonard M. Schwartz
COUNSEL FOR RESPONDENT(S)

/s/ Robin Parsons x Jacqueline Bouknight
COUNSEL FOR MOTHER

APPROVED: JOYCE MITCHELL
MASTER

DATE 5/19/87

JOSEPH M. EISENBERG, PH.D.
PSYCHOLOGIST
204 East Joppa Road
Penthouse Suite 10
Towson, Maryland 21204

James J. Smith, Ph. D. 301-321-9101
Psychology Associate

PSYCHODIAGNOSTIC EVALUATION

Re:	Jacqueline Louise Bouknight
Date of Evaluation:	July 27, 1987
Reason for Referral:	Psychodiagnostic Evaluation
Tests Administered:	Weschler Adult Intelligence Scale—Revised (Prorated) House-Tree-Person Drawing Test Adult Diagnostic Screening Battery Incomplete Sentences Blank Post Drawing Interviews Clinical Interviews

Clinical Observations:

Ms. Bouknight was initially resistant to the Evalation procedures. She did cover her face with her hands and maintained limited eye contact with the examiner.

After some time of prompting and encouragement, she performed all tasks as instructed. There was a need for repeated provision of instructions, since she did not appear to understand the instructions or the questions posed. Consequently, an intellectual assessment was perfomed due to questions about her capacity to function on an intellectual level consistent with her chronological age.

Test Results:

Ms. Bouknight is present functioning in the Borderline range of intelligence for the Verbal area (IQ 72), but she is functioning in the Low Average range of intelligence

in the Performance area (IQ 80). Her overall level of intellectual functioning falls within the Borderline range (Full scale IQ 74).

Her areas of weakness in intellectual functioning are reflected in her general fund of information, understanding of her environment and her capacity to relate on a verbal level and her general expressive and receptive fund of English vocabulary. Her areas of strength are noted in her general understanding of her social environment and her ability to do rote tasks.

Emotionally, Ms. Bouknight is significantly immature and insecure. Her level of functioning is more consistent with an age range of 8 to 10 years than her present age of 21 years. She lacks a clear and insightful understanding of the consequences of her behavior and those activities necessary to maintain a constructive and independent lifestyle.

Her level of trust in social situations is markedly reduced and reflective of someone who does not appear to find satisfaction or comfort in close interpersonal contacts. Her dependency needs do not appear to ever have been met to any significant degree and consequently, her reliance upon her social environment as a source of support is limited.

Her expectations for a parent child relationship are unrealistic. She tends to view her child as a source of fulfillment of basic nurturance needs, hers, rather than see her capacity to fulfill the child's needs. Her level of social understanding is below what would be expected based upon her chronological age, even though it is one of her areas of intellectual strength. The interaction between the effect of early childhood experience and her life long pattern of behavior tend to dillute her overall social effectiveness.

Her background does reflect a good deal of instability and turmoil. It also appears to be the source of confusion

and dissatisfaction over close interpersonal contacts. Much of her resourcefulness is based upon basic survival rather than the development of sophisticated or relatively fluid social skills and abilities.

She tends to have a fickle and volatile set of expectations for her future that reflect her insecurity and inability to establish a realistic view of life. While she wishes to have her basic needs fulfilled through interpersonal contacts, she is often angry when she finds herself with feelings of insecurity and unmet nurturance needs. The consequence to these feelings is that of inappropriate behavior, anger, and a tendency toward acting out.

Her anxiety is relatively high and is often reinforced by the lack of consistency between her wishes for need of fulfillment and actual consequences of her behavior. When she finds her needs not fulfilled, her anxiety increases, but her socially inappropriate behavior also increases.

There are suggestions within the test data that Ms. Bouknight lacks a genuine capacity for relating to the thoughts and feelings of others. She may be so involved within herself that she cannot truly emphasize and appreciate what others may experience, think, and feel.

Summary and Recommendations:

Ms. Bouknight's overall intellectual development falls within the Borderline range of intelligence. She does show significant in her capacity to appreciate the consequences of her behavior, rely upon an internal fund of information for guiding her behavior, and for implenting behavior that is reflective of critical ability to understand the consequences of her actions.

While she does show some relative strength in her capacity to understand her social situation and rely upon rote skills to complete a task, her emotional issues intercede and dillute the capacities to function on an intel-

lectual level that is at least consistent with her overall cognitive endowment.

Her emotional immaturity and less than stable background does not augur well for her capacity to apply herself constructively and in her best interest. She seeks to have her basic needs fulfilled in such an unrealistic way, that she is left with a sense of frustration and a reinforcement of what transpires when you attempt to have close interpersonal contacts: dissatisfaction, unhappiness, and an overall sense of rejection and pain.

She is not now able to relate constructively to her child, since her child is seen as fulfilling her needs rather than the reverse. She becomes totally frustrated and enraged to find herself unable to gain from her child what she wishes as a replacement for what she lacks in her own childhood. When her frustration mounts, she is likely to act out toward the child and see the child as abusive to her rather than herself as abusive to the child.

Even though, Ms. Bouknight may deny extensive abuse in her own background, some tentative findings suggest that she may in fact have been abused but certainly neglected at the very least. The neglect carries with it a lack of capacity for establishment of emphathetic relationships with others and a need to rely upon self for basic survival. These circumstances are not in a constructive pattern and lead toward inappropriate behavior that is directed toward a frustrating agent, e.g. her child.

It is not recommended that Ms. Bouknight regain custody of her child, since she does not appear emotionally capable of providing the adult protection, nurturance, and care that would be required for the child's safety and security. Rather, Ms. Bouknight is need of intensive and extensive intervention both on an emotional and social level to help her deal constructively with not only her own internal issues but also those requirements for independent and self-sufficient functioning. She needs guidance in the

establishment of appropriate limits for herself and others and the means by which she can institute a set of realistic expectations.

These expectations must be oriented toward a constructive view of herself, the world, and what happens when an adult attempts to fulfill her own responsibilities.

The overall approach must be behaviorally oriented and weighted toward "doing" rather than talking about issues. Ms. Bouknight's overall limited intellectual capacity does not lend itself toward a "talking type" therapy but does require behavioral intervention with clearly defined objectives and goals that Ms. Bouknight cannot only understand but appreciate. Further, she also needs to develop a set of reinforcements that she can apply internally and not have to rely upon others.

Her reliance uon others for satisfaction becomes a precursor for frustration and an affirmation of the lack of success and happiness that comes from interpersonal contacts.

/s/ Joseph M. Eisenberg, Ph. D.

CIRCUIT COURT FOR BALTIMORE CITY
DIVISION FOR JUVENILE CAUSES

STIPULATION

RESPONDENT (S): Maurice M

PETITION NUMBER (S): 88704202

DATE: 8-18-87

The parties stipulate to the following facts and disposition. The parties also stipulate and agree that these facts render Respondent(s) as Child(ren) in Need of Assistance as defined in Courts Article 3-810 of the MD CODE ANNOTATED and the proposed disposition is in Respondent(s) best interest. The parties further consent to an Order being issued effectuating the proposed disposition.

FACTS:

1. Reasonable efforts required by 42 United States Code Annotated, Section 672 (a) (1) and defined by 42 United States Code Annotated, Section 671 (a) (1-5) have been made.

2. All parties aware that facts gathered on May 19, 1987 render respondent a child-in-need-of-assistance.

3. Respondent was in Shelter Care from February 11, 987 until July 17, 1987. On July 17, 1987 respondent was returned to the care of his mother subject to the results of psychological evaluation.

4. Mother has been cooperative with BCDSS in attending therapy, evaluation, and accepting the services of BCDSS "parent aid." Mother is also involved and attending the Center for Infant Studies at U. of Md.

Disposition:

1. The Respondent(s') parent(s) shall notify the Court, their attorney(s) and the Department of Social Services of any change in their address.

2. The Court shall sign a Certificate of Hearing.

3. OPS to BCDSS placement with mother.

4. Progress reports every 6 months.

5. Mother shall cooperate with BCDSS.

6. Mother shall continue in therapy until discharged.

7. Mother shall attend Center for Infant Studies at U. of Md. until discharged.

8. Mother shall continue to utilize services of parent aid as provided by BCDSS.

9. Mother shall refrain from physically punishing the respondent.

/s/Jacqueline Boykin
COUNSEL FOR PETITIONER

/s/Leonard M. Schwartz
COUNSEL FOR RESPONDENT(S)

/s/Robin Parsons
COUNSEL FOR MOTHER

APPROVED:

/s/Joyce Mitchell
MASTER

August 18, 1987
DATE

Carol Hubbard LCSW
876-1233, Family and Child Services
22 N. Court St.
Westminster, MD

BOUKNIGHT, JACQUELINE

Hubbard: Jacqueline Bouknight was first seen by this worker on March 12, 1987; I had had several phone conversation with her prior to meeting her. At first contact she presented with significant clinical depressive symptoms, sleep and appetite disturbance, impaired concentration, tearfulness and hopelessness. She cried throughout the first session as she related that her then 9 month old son was in foster care. She had withdrawn from her existing support system and was extremely isolated. Clinician was very concerned about her weight loss and lack of appetite. Jackie agreed in the first session to eat regularly whether she felt like it or not, and to walk for exercise to hopefully improve her sleep and reduce her depression.

She related that her son had been a planned child, and that she would not have more children until/unless she regained custody of Maurice, her son. Additionally, she shared that she had been raised in foster care herself and knew what that was like, wanted better for Maurice. She denied being physically abused in all but one of her foster homes, but clearly articulated her own sense of lack of love and nurturance in a number of her foster homes. Her statement was that most of her foster mothers had been "in it for the money" and were "mean and favored their own children." She was having a hard time coming to terms with Maurice's foster care place-

ment, reported nightmares about this every night.

By the next session on 3/18/87, Jackie had shown considerable progress; she was eating, exercising, and had begun to reach out to some of her friends and family. The difference was immediately striking; she cried less, although we discussed the actual events leading to her son's being taken into custody. She related to worker noting that her son's arm was "moving funny" before Christmas, seeking advice from older relatives and being told that he'd probably slept on it strangely. She reported noticing this after she had left her son in her brother's care to keep an appointment for herself. When the problem did not clear up, as her "consultant" has suggested it should, she reports taking the baby to the doctor on two separate occasions and pointing out the problem with her son's shoulder, and not being satisfied with their examination or advice. At this point, we did some work on assertiveness to assure both her and her child's getting their needs met.

She also related a second incident in which an acquaintance who had been visiting in her grandfather's home, with whom she lives, and whom she subsequently learned was doing drugs, pushed her as she was trying to get her visitor to leave. Jackie admits dropping the baby and falling on him; she also reports checking him out thoroughly afterwards and finding no injuries, also again seeking advice from her relative and friends who have children. When his leg began swelling, however, she immediately took him to the doctor as per her report. It was on this occasion that Protective Services became involved and took custody.

Jackie has been unusually and especially motivated to follow all of DSS recommendations to the letter. She called F&CS (Family and Children's Services) immediately after the Protective Services referral by Ms. Ipoleto and was very eager to get started with counseling. She took immediate action with any suggestion I made to her, followed through and faithfully kept appointments. Likewise, she eagerly engaged in the parenting classes recommended by DSS, learned quite a bit, but was sad when they ended, since she wanted to learn a lot more. She has enrolled in the second part as well. Throughout my working with her, responsible parenting was a major focus. She agreed she had a lot to learn, voluntarily read child-care books, eagerly accepted my imput. We also worked on her taking care of herself, socializing appropriately, where to find support, how to get her needs met, etc. We discussed as well, how to obtain competent and expert advice on child-rearing.

This worker consulted Denise Ipoleto, the Protective Service worker frequently throughout treatment to relate client's progress. Ms. Ipoleto shared information with me that Jackie had been hospitalizaed once in the past with a diagnosis of depression with psychotic features. Jackie related that this had happened after her last foster mother, whom she'd loved as a mother and had a loving, nurturing relationship with, had died. At that time psychological testing was completed; Jackie's I.Q. per Ms. Ipoleto, tested at 65 in the mild mentally retarded range. Based on this client's ability to learn, and her verbal and comprehension ability, this clinician has questions about the validity of those results.

Depression frequently impairs concentration and performance. If Jackie is in fact mildly retarded, she is using her abilities to the maximum; she reads for self-improvement and pleasure, and has clearly demonstrated her ability to learn, cope with stress, and function adequately to this worker.

Jackie was seen on 3-12, 3-18, 3-25, 4-8, 4-15, 4-23, and 4-30-87 by this worker. Break in treatment is due to worker's transfer. Jackie has followed through with request for sessions with this worker's replacement.

IN THE CIRCUIT COURT
FOR BALTIMORE CITY
DIVISION FOR JUVENILE CAUSES

PETITION NUMBER: 88704202

RECEIVED APR 18

MATTER OF
MAURICE M
BORN: OCTOBER 3, 1986

PETITION FOR EXPEDITED REVIEW OF COURT ORDER

The Baltimore City Department of Social Services (hereinafter BCDSS) respectfully represents that:

1. On August 18, 1987, the Respondent was adjudicated a Child in Need of Assistance and was placed under an Order of Protective Supervision to the BCDSS for placement with their mother with the following stipulations:

   A. Mother shall cooperate with BCDSS.

   B. Mother shall continue in therapy until discharged.

   C. Mother shall attend the Center for Infant Studies at University of Maryland until discharged.

   D. Mother shall continue to utilize services of Parent Aide as provided by BCDSS.

   E. Mother shall refrain from physically punishing the Respondent.

2. The Respondent's mother has failed to cooperate with the BCDSS, as ordered by the Court. She has refused to provide a current address or to inform the petitioner of the whereabouts of the Respondent.

3. The Respondent's mother continues to experience emotional problems, a condition which renders her unable

to provide adequate care, protection and supervision of the Respondent. An evaluation completed on the Respondent's mother by Dr. Joseph M. Eisenberg, Ph.D., states that Ms. Bouknight is "not now able to relate constructively to her child, since her child is seen as fulfilling her needs rather than the reverse. She becomes totally frustrated and enraged to find herself unable to gain from her child what she wishes as a replacement for what she lacks in her own childhood. When her frustration mounts, she is likely to act out toward the child and see the child as abusive to her rather than herself as abusive to the child."

4. The Respondent's mother failed to follow through with attending the Center for Infant Studies at the University of Maryland, as ordered by the Court.

5. The Respondent's mother failed to make appropriate use of Parent Aide Services, as ordered by the Court.

6. The Respondent's father is deceased, as the result of a shooting incident which occurred in March, 1988.

7. The Respondent's mother has a history of drug use, which renders her unable to provide consistently adequate care, protection and supervision of the Respondent.

WHEREFORE, the Petitioner prays that the Court schedule this matter for an expedited review for the purpose of committing the Respondent to the BCDSS for placement in foster care;

FURTHER, that the Court vacate the Current Order of Protective Supervision to the BCDSS for placement of the Respondent in the home of his mother;

And for such other and further relief as the nature of this cause requires.

/s/Phillip Maguire
PHILLIP MAGUIRE
Caseworker
Department of Social Services
of Baltimore City

/s/James S. Becker
Petitioner
JAMES S. BECKER
Special Assistant City Solicitor

/s/Marilyn E. Blimline
MARILYN E. BLIMLINE
Staff Attorney
Department of Social Services of
Baltimore City
Legal Services Division
1510 Guilford Avenue
Baltimore, Maryland 21202
Telephone: 361-2213

IN THE CIRCUIT COURT
FOR BALTIMORE CITY
DIVISION FOR JUVENILE CAUSES

PETITION NUMBER: 88704202

MATTER OF
MAURICE M
BORN: OCTOBER 3, 1986

MOTION FOR CONTEMPT AND PETITION FOR THE ISSUANCE OF AN ORDER TO SHOW CAUSE

Pursuant to Rule 910(e) of the Maryland Rules of Procedure, Petitioner, the Department of Social Services of Baltimore City (hereinafter referred to as the BCDSS), by its attorney, MARILYN E. BLIMLINE, petitions this Honorable Court for the Issuance of an Order to show cause against JACQUELINE BOUKNIGHT, and in support of that petition alleges that:

1) On January 23, 1987, the BCDSS received a report of suspected physical abuse of the Respondent. The BCDSS investigated this report from Dr. TIMOTHY DORAN of the Francis Scott Key Medical Center, and confirmed physical abuse and neglect of the Respondent while in the direct care and supervision of JACQUELINE BOUKNIGHT, the Respondent's mother.

2) On February 10, 1987, BCDSS obtained an Authorization of Shelter Care to prevent the Respondent from being released from the Francis Scott Key Medical Center to the care of JACQUELINE BOUKNIGHT. On February 11, 1987, a petition was filed by BCDSS, alleging the Respondent to be a Child in Need of Assistance. That same day a Shelter Care Hearing was held before Master Joyce Mitchell. Based on allegations of abuse and neglect of the Respondent, the Court issued Orders of Shelter Care on the Respondent for placement in foster care by the BCDSS.

3) On May 19, 1987, an Adjudicatory Hearing was held on the CINA Petition before Master Joyce Mitchell. A separate Dispositional Hearing was scheduled for July 17, 1987, and the Order of Shelter Care to BCDSS was continued until that date.

4) On July 17, 1987, the Dispositional Hearing was postponed pending the completion of a psychological examination of JACQUELINE BOUKNIGHT. The BCDSS' request for continuation of the Order of Shelter Care of the Respondent was denied by Master Joyce Mitchell, and this Respondent was returned to the care of his mother, pending Disposition.

5) A Dispositional Hearing was held on this matter on August 18, 1987, and the Respondent was found to be CINA and was placed under an Order of Protective Supervision to the BCDSS for placement with his mother with the following conditions:

A. Progress reports every six months;

B. Mother shall cooperate with BCDSS;

C. Mother shall attend Center for Infant Studies at the University of Maryland until discharged;

D. Mother shall continue to utilize services of parent aide as provided by BCDSS;

E. Mother shall refrain from physically punishing the Respondent

6) The Respondent's mother has failed to cooperate with the BCDSS, in attempts to ensure the safety of the Respondent in that she has repeatedly failed to inform the Petitioner of the Respondent's whereabouts. On March 23, 1988, a home visit was made to verify the safety of the Respondent, however, the Respondent's mother was unable to be contacted. MR. JOHN BROWN, the former foster father of JACQUELINE BOUKNIGHT, informed the Petitioner that he had seen the Respondent on March 23,

1988, in the care of JACQUELINE BOUKNIGHT, and that Ms. Bouknight resided in the home.

7) On April 7, 1988, a home visit was made and the Respondent's mother informed the Petitioner that the Respondent was in the care of an aunt, however, she refused to identify the aunt or provide the whereabouts of the child.

8) On April 8, 1988, the Petitioner made attempts to locate the Respondent through the following relatives: FLORENCE DEAN, the paternal grandmother; ANDREA MILES, the paternal aunt; LILLIE MAE BOUKNIGHT, the maternal grandmother, CHARLES BOUKNIGHT, JR., the paternal uncle. Each of these relatives report that they had not seen the Respondent for an extended period of time.

9) The Baltimore City Police Department was contacted on April 2, 1988, and a Missing Persons Report was filed on the Respondent by the Petitioner. The Respondent's mother misinformed the investigating officer that the Respondent was in the care of an aunt, LOUISE PERRY, however, Ms. Perry denies seeing the Respondent. After repeated attempts to ascertain the whereabouts of the Respondent from JACQUELINE BOUKNIGHT, this case was referred to the Homicide Division for further investigation due to concern over the welfare of the Respondent.

10) JACQUELINE BOUKNIGHT continued to refuse to disclose the whereabouts of the Respondent during a home visit made on April 18, 1988, by the Petitioner, as well as during an office visit made on April 19, 1988, at the BCDSS. Ms. BOUKNIGHT informed the Petitioner that she was going to kill herself, repeating a second time that she would kill herself following the Court hearing on April 20, 1988.

WHEREFORE, the Petitioner respectfully prays that the Court: 1) Issue the accompanying Order, directing Ms.

JACQUELINE BOUKNIGHT to show cause why an Order adjudging her to be in contempt shall not be passed; 2) Find the mother in contempt of Court; 3) Order Ms. JACQUELINE BOUKNIGHT to immediately produce the Respondent to the jurisdiction of the Court; 4) If the mother fails to produce the Respondent at the Adjudicatory Hearing, Order that the mother be found in direct Contempt and take whatever measures the Court feels is appropriate including but not limited to incarceration and/or a fine; 5)Take such other relief as the nature of this cause may require.

/s/Marilyn E. Blimline
MARILYN E. BLIMLINE
Departmental Attorney
Department of Social Services
of Baltimore City
Legal Services Division
1510 Guilford Avenue
Baltimore, Maryland 21202
Telephone: 361-2112

Circuit Court for Baltimore City

April 20, 1988
[Title omitted in printing]

PROCEEDINGS

[2] THE COURT: Now, we have this matter from Juvenile Court. Sheriff, keep the door closed. Don't let anyone in the courtroom.

Let the record reflect that the courtroom is empty except for the juvenile clerk and the Juvenile Court personnel involed in the present case.

The matter before the Court is the matter of Maurice M , Division for Juvenile Causes, Petition Number 88704202. It is a motion by the Department of Social Services for Baltimore City through Ms. Marilyn Blimline, their attorney, for a finding of contempt and for the Issuance of an Order to Show Cause. The Court has carefully read and considered the Motion for Contempt and the Petition for the Issuance of an Order to Show Cause.

Basically, what has happened, the child who is the subject of these proceedings, Maurice M , was born on October 3, 1986. After investigating reports of physical abuse and having confirmed these reports, the mother of the child, Miss Jacqueline Bouknight—is she present?

MS. BLIMLINE: No, she is not, Judge.

THE COURT: She had custody of the child taken from her, and the child was placed in foster [3] care under the Baltimore City Department of Social Services. There were several hearings at the last hearing. Master Mitchell returned the child to his mother pending disposition. That was on July 17 of 1987. A dispositional hearing was held on August 18, 1987, and the child was found to be a Child in Need of Assistance and placed under protective order and placed with the mother.

The mother has failed to comply with any of the requirements of that order, and on April 7, a home visit was made. The petitioner was advised, the petitioner being the Baltimore City Department of Social Services, that the child was in the care of an aunt, but she refused to identify the aunt or provide the whereabouts.

The following day, attempts were made to locate the mother through various relatives, all without success. The Baltimore City Police were contacted on April 2. A Missing Persons report was made. The mother told the investigating officer that an aunt by the name of Louise Perry had the child, and Miss Perry denies this, but she said she didn't see the child, that she didn't see her.

Baltimore City Homocide detectives were contacted, and they are apparently in the process now [4] of conducting an investigation concerning the welfare of the child. Miss Bouknight had apparently informed Miss Blimline that she intends to kill herself following the hearing today which was scheduled in the Juvenile Court. Does that sum up everything that has occurred?

MS. BLIMLINE: Yes, Your Honor. She made the statement, however, to the social worker, Phil Maguire.

THE COURT: Would all the parties who are present in court identify themselves?

MS. BLIMLINE: Marilyn Blimline representing the Baltimore City Department of Social Services.

MS. WATTS: Lisa Watts, Legal Aid Bureau, representing the Respondent child, Maurice M.

THE COURT: May I have your name again?

MS. WATTS: My name is Lisa Watts from the Legal Aid Bureau.

THE COURT: Lisa Watts?

MS. WATTS: Right.

THE COURT: Ms. Watts, you represent the child?

MS. WATTS: That is correct.

THE COURT: All right.

[5] MRS. PARSONS: Robin Parsons, Public Defender's Office, Assistant Public Defender representing the mother whose name is Jacqueline Bouknight.

THE COURT: Can you tell me where the mother is?

MS. PARSONS: Your Honor, I had contact from the mother. She called me a couple of days ago to tell me that Mr. Maguire, the social worker, was going to be filing this Missing Persons report. And she told me at that time that she has been in school and during the time she has been in school, she has left the child with a friend or relative, I can't recall.

She said, "I have to take a day off from school in order to have the child so he can come to see the child, and I have been trying to reach him and have not been able to reach him to come over and see the child." So, I said, "Well, it sounds simple enough. You are off school today. Why don't you just call him and I will call him." But I was unable to reach him. But I said, "We'll both call him and have him come over and see the child, and that would be the end of the matter."

Apparently, that didn't happen. Today I [6] have spoken with my client. I spoke with her this morning, told her we were going to have the matter heard this afternoon. The problem is, nobody has seen the baby. I said, "We need to see the baby. There is a concern about the baby." I said, "Be here at one o'clock sharp with the baby." And she said she would be here. She is not here.

I have talked with, I guess it is a friend, the number where the mother can be reached, and the friend said she saw the mother with the baby leaving ostensibly for court a little before noon. And she said she saw the baby with

the mother. She was quite definite about it. That is the only information I have. The mother is now, it is almost 3 o'clock, and the mother is not here. She had to take the bus, but I don't suspect that is going to take three hours.

MS. BLIMLINE: Your Honor, in regards to the review hearing that was scheduled before Master Teaette Price this afternoon, that was postponed, a bench warrant was issued for the mother, and a shelter care order on Maurice, the Respondent, to the Department of Social Services.

The Department is very concerned, because although Ms. Parsons spoke on the phone with someone [7] who assured her they saw the baby this morning, we failed to get that person's name. We don't know who she was talking to.

The social worker, Phillip Maguire, who is present in the courtroom today last saw the child on September 4, 1987. He has been in touch with all of the relatives in Baltimore he can locate and even some out-of-state relatives. And to date, he has not been able to find anyone who has seen the child or who will consistently say they have seen the child any later than, well, one aunt, a maternal aunt said she saw the child and mother on the street in February. Other than that, it seems no one in the family has seen the child since summertime.

So, we're very concerned. This is a very serious abuse case involving a child who at the time was only six months old and involved about three fractures, one being of the femur, which is a pretty difficult bone to break on a six-month-old.

I spoke with the psychologist who examined and evaluated this lady prior to the dispositional hearing—

MS. PARSONS: I am going to object to that. I don't believe that's relevant to the matter today.

[8] THE COURT: Well, I am conducting a hearing to try to find out where Maurice M is, and I think it is important that the Court be apprised of any evidence that would tend to shed light on that situation. So, I overrule the objection.

MS. BLIMLINE: Your Honor, I spoke with a doctor who examined and evaluated this lady prior to the dispositional hearing. That was Dr. Joseph Eisenberg. He is very concerned about the safety of the minor child. He is concerned that perhaps the child is now dead or injured so severely that the mother has hidden the child. And I have a copy of his report which was not entered into evidence at the time of the dispositional hearing, but I would like the Court to be aware of it at this time, and I would like this entered.

MS. PARSONS: I object to this. This concerns evidence that could have been presented prior to disposition which was way back in August. It has nothing to do with the present whereabouts of this baby.

MS. BLIMLINE: Your Honor, it couldn't have been presented prior to disposition, because the Department of Social Services did not receive a copy [9] of this until after the dispositional hearing.

MS. PARSONS: It has nothing to do with the whereabouts of the baby.

THE COURT: If what the doctor says is accurate, Ms. Parsons, then what? Suppose the baby is so seriously injured or dead? What am I supposed to do? Say it is not relevant?

MS. PARSONS: Your Honor, there is no evidence or no indication anything is wrong with the baby.

THE COURT: Where is the baby? Bring me the baby. If I see the baby is okay, fine. I am hapy. But somebody has to protect that child. Based on what I have already

heard, this child is in serious jeopardy. Let me hear from Ms. Watts. Let me see that report, please.

MS. WATTS: Your Honor, I would basically be in agreement with Ms. Blimline's position, The fact the mother has not complied with the conditions of the order of protective supervision, the fact that many of the relatives have not seen the baby for quite some time now, and also the report that she is referring to from the doctor which also has concern about mother's ability to care for this child. Additionally, mother was supposed to show up this [10] afternoon, and she has not appeared.

So, I would support the Department's position, and I do have concerns about the whereabouts of this child.

THE COURT: Ms. Parsons, have you shared the information that you have as to the whereabouts of your client with other counsel?

MS. PARSONS: Yes, and also with Master Price earlier this afternoon.

THE COURT: You did speak with Miss Bouknight today?

MS. PARSONS: Yes.

THE COURT: Are you sure it was Miss Bouknight you spoke with?

MS. PARSONS: Yes.

THE COURT: You have spoken with her on the phone before. You recognize her voice?

MS. PARSONS: Yes. I have been on this case since February 1987. I have spoken with her a number of times, and I am quite sure it was she with whom I was speaking. Also, as I said, I spoke with her several days ago. She called me. She called me several times and left messages. I got back to her, and we spoke about this. And I had no reason to think and still don't have any reason to

believe [11] there is anything wrong. She didn't seem upset or panicked in any way. It sounded as if she were certainly intending to be here on time. She was very clear that she would be here at one o'clock.

THE COURT: She fooled all of us including you, didn't she?

MS. PARSONS: Well, I am not so sure. There may be something that happened along the way that may have prevented her from being here.

THE COURT: Like something happening to this child. How long has it been since you've seen the child?

MS. PARSONS: I have not seen the child since we were last in court.

THE COURT: In September of last year.

MS. PARSONS: But the individual that I spoke with said she had seen the child just a few hours ago with the mother.

THE COURT: Do you know that person?

MS. PARSONS: No.

THE COURT: Did you ever meet that individual in person?

MS. PARSONS: No.

THE COURT: So, you have no way of determining who that person even is.

[12] MS. PARSONS: Well, I could call the number and ask. I have spoken with her not once but about four times today. That's the only way of contacting the mother is through this number she gave me of a friend. And I have spoken with the friend at least four times. I have been calling all day.

THE COURT: Well, that would indicate to this court that you are as concerned about this child as Ms. Blimline and Ms. Watts.

MS. PARSONS: No, Your Honor, I just wanted to be sure that my client appeared and did what she was supposed to so she could continue to have her child in her custody. That is my concern, because obviously, she wants to continue taking care of her child and going to school.

THE COURT: What school is she going to?

MS. PARSONS: I am not sure.

THE COURT: Do you have the name of the school or the type of school?

MS. PARSONS: No, I don't, just that she said she was in school.

THE COURT: She said she was in school. She is how old? 21 and a half? She will be 22 in June?

MS. PARSONS: Right.

[13] THE COURT: You don't have any idea what school she is going to. Has anyone else been able to tell you that?

MS. PARSONS: No.

MS. BLIMLINE: Your Honor, if I could point out too, this mother came through the juvenile system. She has an extensive psychiatric history dating back to the time when she was four years old. I have copies of that. I don't think it is necessary to take up the Court's time to have you read them right now, but she has some serious problems.

Also, the mother herself is not hiding from the Department. The social worker saw her yesterday. But she is refusing to divulge the whereabouts of the child to the worker or to the police or to the Homicide detective who recently became involved.

THE COURT: We'll issue—who issued a warrant for this lady?

MS. PARSONS: Master Price did about an hour ago.

THE COURT: She submitted that warrant to Judge Mitchell for approval.

MR. NEAL: Michael Neal, Juvenile Court Administrator. Judge Mitchell is on jury duty today. [14] The warrant is being processed now. I will be bringing the warrant to you for signature.

MS. BLIMLINE: There is also a Missing Persons already out on the baby that has not produced the baby yet and the shelter care to the Department on the infant.

THE COURT: What was the reason that the shelter care was terminated last year?

MS. BLIMLINE: The shelter care expired at the time of disposition.

THE COURT: Why was it permitted to expire? That is what I want to know.

MS. BLIMLINE: On July 17, 1987, when Master Mitchell ordered shelter care in the home of the mother, the Department opposed that at that time. However, an exception was not filed. I can't explain why it was not. I was not the attorney of record. I have no idea. At the time of disposition, I should point out to the Court that the parties entered into a stipulation for order of protective services as opposed to commitment.

So, the parties were in agreement at the time, but keep in mind this is without the benefit of Dr. Eisenberg's psychological evaluation, they were in agreement the child should be home.

[15] The child, in all fairness to the mother, evidently, she has been doing fairly well up until last month when the child's father was killed. Evidently, it was a drug killing. And something has happened to this young mother since that time. People who have seen her think she has not been quite right since the killing.

THE COURT: Ms. Watts, do you have anything further you are offering to the Court?

MS. WATTS: No, I don't, only I recently have acquired this case. I was not the attorney for the child when the case first came in last year. So, I wouldn't know how to answer that.

MS. BLIMLINE: Your Honor, I would also like to ask the Court, that if it is possible, when this lady is picked up, if she is ever picked up by the police, that she receive a psychiatric evaluation to in some way judge her ability to provide care for this child now.

THE COURT: Well, Mr. Conti from Medical Services is present in the courtroom.

MS. PARSONS: Your Honor, we would be opposed to that. Until the mother is located and until there is some evidence, some reason to believe there is something wrong with her or the baby, or [16] both, I would oppose any ordering of the psychological or psychiatric.

MS. BLIMLINE: Your Honor, I think there is more than enough reason to suspect that something is wrong. She failed to appear today. Ms. Parsons pointed out to her our concern, many people's concern, that the baby is dead. So, I think she has indicated by her failure to appear there is definitely something wrong. Whether that be with the child's health or welfare or whether that be with her own emotional health, I don't know.

THE COURT: What is the quickest way we can get ahold of this lady physically?

MS. BLIMLINE: I would suggest the police send, that you send the police out to see if you can pick her up at the home where Ms. Parsons contacted her earlier this morning. The social worker has an extensive list of addresses for relatives. I think if the police made a concerted effort to seek her out at all those relatives' homes, I think that would perhaps be a good idea.

I am really concerned about the passage of every day that this child—I just received this case the day before yesterday. But after speaking to Dr. Eisenberg last night on the phpone, to say [17] that he was extremely concerned about the child's wellbeing is putting it very, very mildly. I think we need to do whatever can be done to try to locate the mother and the child.

Your Honor. I also have copies of the medical reports that deal with the child's injuries at the time this first came before the Juvenile Court if you would like to see those.

THE COURT: Can you highlight those injuries for the Court so that Mr. Conti is aware of them, please?

MS. BLIMLINE: I shared these with Mr. Conti earlier yesterday.

THE COURT: Mr. Conti, you are aware of all of this?

MR. CONTI: Quite aware.

THE COURT: Are you aware of Dr. Eisenberg's position dated July 27, that he is concerned about the safety of the child?

MR. CONTI: Yes.

THE COURT: What would your view be of all this, Mr. Conti, based on your knowledge of the circumstances?

MR. CONTI: My belief after reading the material is that if this individual is arrested, she [18] is unquestionably in need of urgent evaluation because of the potential possibility of harming herself. When I learned earlier this afternoon that apparently Master Price issued a warrant—is that correct?

MS. BLIMLINE: Yes, it is.

MR. CONTI: —I called Baltimore City Jail in fact to be sure she would be handled special if she came in today.

I would suggest that if this court takes some other kind of action, that I would leave my private office answering service number so that I may at least be in touch to see that she receives any special handling she might need after her arrest. I see this as an individual in a crisis simply from the paperwork.

MS. PARSONS: Your Honor, I'd like to underscore he has not met my client. He has information he has only read and what Ms. Blimline has told him.

THE COURT: Ms. Parsons, this whole matter could be cleared up if your client comes in and brings the baby in.

MS. PARSONS: I know.

THE COURT: You yourself said that you spoke with her at least four times—

[19] MS. PARSONS: No, with a neighbor, a friend.

THE COURT: With a neighbor or a friend, whoever it is, and she allegedly left her residence to come to court. She was to be here at one o'clock. That was two hours and 40 minutes ago. She has not appeared. You yourself told her according to what you told me that there was concern that the baby was dead. Quite frankly, that concerns the daylights out of of this court.

The child representative, Ms. Watts, has joined in with the Department of Social Services. Apparently, a decision was made to terminate the foster care relationship even in light of the finding by Dr. Eisenberg that it is not recommended that she regain custody of the child, because it does not appear that she is emotionally capable of providing the protection, nurturance, and care that would be required for the child's safety and security.

So, she is in need of intensive and extensive intervention both on emotional and social levels to help her deal constructively with not only her own internal issues but also those requirements for independent and self-sufficient

functioning. What that tells me is we have a lady in a severe [20] crisis here. We also possibly have a dead child somewhere which just depresses me to no end, I am not going to kid you.

Since Master Price has recommended the issuance of a warrant, and I have to sign the warrant, I am going to sign the warrant. I'd like to get in touch with somebody in the Police Department to have them go out and take a look into this situation as rapidly as possible.

MS. BLIMLINE: Your Honor, we had a Homicide detective downstairs in Juvenile Court.

THE COURT: Is he still there?

MS. BLIMLINE: Detective James Jones.

THE COURT: Is he still there?

MS. BLIMLINE: He was there when we came up here. In fact, he said he was coming up.

THE COURT: Could you bring Detective Jones in here, please?

Let me have, if I may, please, Ms. Parsons, the addresses and the phone numbers that you have for Miss Bouknight.

MS. PARSONS: The last address I have is 1829 North Washington Street.

THE COURT: That's near Federal, isn't it?

MS. PARSONS: Zone 13.

[21] THE COURT: That's near Federal. Go ahead.

MS. BLIMLINE: The social worker who just left would probably have the most up-to-date address.

THE COURT: What is the phone number you used to contact the client?

MS. PARSONS: The phone number is 327-8873.

THE COURT: And what is the phone number of the person who claimed to be a friend?

MS. PARSONS: That's it. The only phone number I have for Jacqueline is the phone number, this phone number which is not hers but is that of a friend or relative.

THE COURT: Do you know the name of that person?

MS. PARSONS: No, I don't.

MS. BLIMLINE: Your Honor, if it would be possible too, if the police were sent out, Dr. Eisenberg was concerned that this girl not be treated in any kind of threatening way. He said emotionally, she is functioning at about an eight to ten year old level. So, he feels, especially with the suicide threat she has made, which he thinks we all should take very seriously, he thought the best thing to do [22] was to deal with her as if she were a ten year old child, a very nonthreatening kind of approach.

I don't know what happens when the police go out and pick someone up. But if they could be made aware of, if we ever expect to find out what happened with the child, that we're going to have to treat this lady very gently, I think.

THE COURT: I had already come to that conclusion, Ms. Blimline. My problem is, I don't know where she is, and I don't know who is going to come in contact with her first and what the reaction she is going to have with that individual is going to be. And we are not picking her up for purposes of punishing her. We are picking her up in an attempt to find the child.

MS. BLIMLINE: But I am not sure she will know that. Ms. Parsons said the last time she called that number, she did inform her a bench warrant had been issued and the police were going to be looking for her.

MS. PARSONS: I did forget to say when I spoke with my client, I explained she had to be here. And she said, "Well, if I come, they just want me to come so they can snatch the child."

I said, "Well, there is no guarantee [23] they are not going to remove the child from your care if you come to court with the child." I said, "But they want to see the child, and they have an even bigger concern that there is something wrong with the child and that the child could be dead." And she said, "Oh, no." And I said, "Well, we can clear it up by just bringing the child in."

So, that was the conversation. She appeared absolutely horrified when I said that.

MS. BLIMLINE: Of course, she was aware already that was what we were suspecting, because the social worker had contact with her as I explained to you.

MS. PARSONS: I think she may be, if she is deliberately staying away, it is probably because she doesn't want to lose the child. She is afraid, and, of course, that is what is going to happen if she brings the child. The child will be removed.

THE COURT: What this court has to look at is what is in the best interest of this child. And quite frankly, that child is paramount on this court's mind. That child was born on October 3, 1986 which means the child is about 18 months old now, and the child is a baby. Based on all the information before the Court, it is obvious the child is in some [24] jeopardy because of the actions of the mother in refusing bring her in. The very fact she has failed to come today tells me after you told her the reason for coming, that something is seriously wrong. And I can't shake that from my mind.

MS. BLIMLINE: The social wowrker also attempted to get in touch with medical clinics around the city to see if she has been bringing the child in for any kind of medical

care, and he has not been able to locate one where the child has been seen.

THE COURT: Well, the motion to cite Miss Jacquline Bouknight for contempt is granted.

MS. PARSONS: Your Honor, I am sorry to interrupt, but I will oppose that on the basis that the mother has not been served, and we had not been given notice, neither she nor I. I just received the motion this morning but certainly have not had a reasonable time to prepare a defense. And the rules do require she be served, and certainly that I would have some time to prepare something on her behalf.

THE COURT: Once I bring the mother before the Court with the child, you will have all the time in the world. But until that child is safeguarded, I must overrule all of your objections at this time. The child's representative, Ms. Lisa [25] Watts, has joined in with the Department of Social Services, and in balancing the obligation of the Court to look out for the best interest of the child, I am persuaded the Court's action is appropriate at this time.

I obviously am not going to make a finding of a contempt. I am going to issue a contempt citation against her for failing to appear. She knew she was to be here today. She failed to appear. So, she will be cited for contempt.

I will issue the Order to Show Cause. The bench warrant will be signed by me as soon as it is presented to me. And I would like to have the detectives go out and try to pick her up in as unobtrusive a fashion as possible, keeping in mind that we have to find the child.

If she fails to produce the child, then I will order her held without bail in Baltimore City Jail until the child is found. I don't think I have much choice. If someone can give me some other reasonable alternative, I will be glad to consider it.

Ms. Parsons, you have no other alternative to the Court?

MS. PARSONS: No, I am sorry, I don't. [26] I've made the efforts I made to get her here. I don't know why she is not here.

THE COURT: Ms. Watts?

MS. WATTS: I really have no other alternative, Your Honor.

THE COURT: Ms. Blimline?

MS. BLIMLINE: I would again request the Court order she have an immediate psychiatric evaluation.

THE COURT: There is little question about that. Mr. Conti has indicated this is a lady in a crisis at this point, and the Court places great weight on Mr. Conti's views in that area. He has indicated he has reviewed the material which I have reviewed, and I am satisfied that his assessment is an accurate assessment, especially superimposing upon that what has happened between Ms. Parsons and her client today. What she has reported today frightens the daylights out of me. She was supposed to be here, and she failed to appear. That tell me something wrong may be going on.

Ms. Parsons, you have received a copy of the Order to Show Cause?

MS. PARSONS: Yes.

THE COURT: You cannot respond to it until [27] such time you have actually spoken with your client, I would believe. Would that be accurate?

MS. PARSONS: Yes.

THE COURT: Upon consideration of the Motion for Contempt, Petition for An Issuance of an Order to Show Cause, it is this 20th day of April, 1988 in the Circuit Court for Baltimore City, Division for Juvenile Causes, and the record should reflect this court is designated by Chief Judge Murphy, Court of Appeals, as the alternate Juvenile

Court judge of Baltimore City, it is ordered that Jacqueline Bouknight, mother of the Respondent infant, show cause at an immediate hearing as soon as she is apprehended why the relief sought should not be granted, provided that a copy of the Motion for Contempt and Petition for the Issuance of the Order to Show Cause, this order be served on her immediately.

at one o'clock she was to be here and she is not here. So, we can't serve her. So, what I am going to do is show cause at an immediate hearing. I am going to cross out on your copies, if you look at your copies, on April 20, 1988 at 1:00 p.m., and that you have an immediate hearing after apprehension, with the words to be inserted "before this court," [28] why the relief sought should not be granted, and provided a copy of this order to be served on her immediately or as soon as possible. Cross out "at or before the immediate hearing on this matter" and insert the words "to be served on her as soon as possible." Is that acceptable?

MS. BLIMLINE: Yes, Your Honor.

THE COURT: All right. Good luck. I hope and pray we have some success in getting the warrant from Master Price, and I will ask to see the warrant as well.

MS. BLIMLINE: The worker should be back in a few moments, and he can give the Court other addresses of relatives.

THE COURT: The warrant is being signed by the Court at this time, and there will be no bail on the warrant, because I want this lady brought before me immediately.

(End of proceedings)

Circuit Court
Baltimore City

DIVISION FOR JUVENILE CAUSES

PETITION: 88704202

IN THE MATTER OF MAURICE M

I.D.: 0629

WARRANT–STATE OF MARYLAND

TO THE POLICE DEPARTMENT OF BALTIMORE CITY, GREETINGS

WHEREAS, PETITION HAS BEEN MADE BEFORE ME, THE JUDGE OF THE CIRCUIT COURT FOR BALTIMORE CITY, DIVISION FOR JUVENILE CAUSES ON THE OATH OF JAMES L. BENTON, DEPUTY CLERK WHO CHARGES JACQUELINE BOUKNIGHT DOB: UNKNOWN, BLACK/FEMALE LKA–1726 N WASHINGTON ST., BALTIMORE, MD 21213 ON 4/20/88, JACQUELINE BOUKNIGHT (PARENT) FAILED TO APPEAR FOR A HEARING BEFORE MASTER PRICE

IN BALTIMORE CITY, STATE OF MARYLAND, ON OR ABOUT THE 20TH DAY OF APRIL 1988.

YOU ARE THEREFORE HEREBY COMMANDED IMMEDIATELY TO APPREHEND THE SAID JACQUELINE BOUKNIGHT (ADULT) AND BRING HER BEFORE ME AT THE COURT HOUSE ROOM 104, IN THE CITY OF BALTIMORE TO BE DEALT WITH ACCORDING TO LAW, HEREOF FAIL NOT AND HAVE UNTIL THEN AND THERE THIS WARRANT.

GIVEN UNDER MY HAND AND SEAL THIS 20TH DAY OF APRIL IN THE YEAR OF OUR LORD NINETEEN HUNDRED EIGHTY EIGHT. SITTING IN THE CIRCUIT COURT FOR BALTIMORE CITY DIVISION FOR JUVENILE CAUSES.

/s/ Edward J. Angeletti
JUDGE

no bail

5/2/88
quash warrant
WARRANT NO. 161-88

MATTER OF JACQUELINE BOUKNIGHT (ADULT) 1726 N WASHINGTON ST. 21213 "ON THE WING"

/s/Saundra E. Banks
CLERK BY JAMES L. BENTON DEPUTY CLERK

WHEN THIS ADULT IS APPREHENDED, DELIVER HER TO THIS COURT AT ONCE AND NOTIFY THE WITNESSES WHOSE NAMES APPEAR HEREON.

CEPI DET. JAMES A. JONES 26 APR 1988
CEPI IN BALT. CITY JAIL SHELTA STEWART

Circuit Court For Baltimore City

April 27, 1988

[Title omitted in printing]

[2] PROCEEDINGS.

THE COURT: Are you ready?

MS. BLIMLINE: Yes. The Department would like to call the case of Maurice M , Docket No. 88704202. Marilyn Blimline, Baltimore City Department of Social Service.

MS. WATTS: Lisa Watts, Legal Aid Bureau representing the Respondent.

MR. HINES: Andrew Hines, Assistant Public Defender on behalf of the respondent's mother, Ms. Jacqueline Bouknight. I'm standing in for Ms. Parsons.

THE COURT: The Court reviewed the petition filed by the Department of Social Services to adjudge Miss Bouknight in contempt of court.

MR. HINES: Yes, Your Honor, I guess preliminarily, before you go any further, Ms. Parsons has been involved with this case from the beginning. When we found out about this a half hour ago, I contacted Ms. Parsons. She went home ill. I think it would be in the respondent's mother's best interest to hold the matter over until tomorrow when Ms. Parsons can come here and give the mother the effective assistance she [3] deserves. I, quite frankly, don't have a file. The only thing I have before me is the motion that was filed by Ms. Blimline.

THE COURT: If we do hold it over, while I have not heard the other counsel, in all likelihood, counsel, this lady is going to be detained in Baltimore City Jail.

MR. HINES: Yes, I understand that, Your Honor, and it certainly sort of leaves my client in kind of a bind.

THE COURT: I'm not trying to persuade you to do one thing or another in behalf of your client. The practical matter is, according to the motion for contempt, there are very, very serious concerns held by the Department of Social Services. The lady had to be brought in here by a warrant for her arrest. She's here now with representatives of the police department who have effected that warrant. The Court has also been advised that the Medical Office of the Juvenile Division of the Court, as well as the Medical Office of the Court are not available to schedule or arrange a medical evaluation.

MR. HINES: No. Although, I was not present at the last hearing, I believe this was [4] supposed to to be done immediately.

THE COURT: It would have been done immediately, but the lady was not here.

MS. BLIMLINE: Well, Nicholas Conti was present at the last hearing and effectively put himself on call so that if the woman was picked up anytime day or night, he could be called either at his office or his home. I have spoken with his office today, and they were supposed to reach him by beeper.

THE COURT: Have they?

MS. BLIMLINE: I haven't heard from them.

THE COURT: What do you wish to do?

MS. BLIMLINE: I would object to holding it over until tomorrow. The issue involved in this case, I think, is so serious. We have no reliable information from anyone that the child has been seen since September 4th. The injuries were very severe when the child first came in at age six months, and he's only eighteen months now. We know of no medical facility who has seen him in a while at least. We know of no relative who has seen—perhaps saw the child in February on the street with the mother. Given

the nature [5] of the extent of injuries and the very young age of today. I would like to proceed today for the mother to get a psychiatric evaluation and to be held until she produces the child.

THE COURT: Ms. Watts.

MS. WATTS: I think that at this point since it is not Mr. Hines' case, holding it until tomorrow morning, I don't see that would do any harm. I would not object to it being held until tomorrow morning.

MR. HINES: My understanding is a psychiatric evaluation has been ordered.

MS. BLIMLINE: It has been ordered but not signed.

THE COURT: There is an order for psychiatric evaluation that was prepared and submitted for the Court's approval. Judge Angeletti is not available today. This matter has been returned to me.

MS. BLIMLINE: Well, he did order immediate psychiatric evaluation when she was apprehended and asked me to submit the order, and it would be signed when she was apprehended.

THE COURT: Is that your recollection of the proceedings?

[6] MS. WATTS: That was my recollection, when she was apprehended, he would sign the order for immediate psychiatric evaluation.

THE COURT: She can't be evaluated immediately by the medical office.

MS. BLIMLINE: Well, unless someone can get in touch with Mr. Conti.

THE COURT: Let's assume for the moment they cannot get in touch with Mr. Conti, what would be the immediacy of an order? Where will she be evaluated? Would they take her to University Hospital for the term of evaluation?

MS. BLIMLINE: I don't know what the plan is for evaluation.

THE COURT: Assume for the moment they cannot get ahold of Mr. Conti or anyone from the medical office of this court, what would be the plan tonight for this woman if this order requiring immediate psychiatric evaluation is signed?

MS. BLIMLINE: I don't know that anything could be arranged at this late date to have her—

THE COURT: You mean this late hour. It is now 4:45. What would be the problem with [7] holding it over until tomorrow?

MS. BLIMLINE: Tomorrow morning or afternoon, Your Honor?

THE COURT: Tomorrow morning.

MS. BLIMLINE: Press of other cases would be the only problem that I would have. As long as the woman is held.

THE COURT: The Court is not intending to release this woman. If this case is going to beheld over, she's going to be remanded to sheriff on no bail. She will remanded to Baltimore City Jail on no bail status to brought back tomorrow for continuance of proceedings.

MS. BLIMLINE: I would have no objection with holding it over as long as she is held without bail.

THE COURT: Did Judge Angeletti issue a finding that she was in contempt?

MS. BLIMLINE: He issued the show cause and made just a few changes in the submitted order. He changed, on April 20, 1988 at 1 p.m. to, after apprehension, and in the very last line of the order he changed, at or before the immediate hearing on this matter to, to be served on her as soon as possible, and he signed it on [8] 4-20-88.

MR. HINES: May I be heard with respect to—

THE COURT: Yes.

MR. HINES: It seems to me it is kind of contradictory for the department to be asking for sanction. Either she is competent or not competent. If she is not competent, I don't think contempt is the proper remedy in this case. It seems she is trying to get both sides of the cake or whatever. She has already gone through the trouble of trying to get an evaluation as soon as possible. I just don't believe that contempt is the proper remedy.

THE COURT: The Court does not see any order signed by Judge Angeletti in the file. Perhaps you all know of something that I don't know about. What I'm referring to is an order finding this lady in contempt of Court.

MS. BLIMLINE: All I know is at the hearing, he stated he was signing the show cause order and with the changes I just read to you.

THE COURT: All right.

MS. BLIMLINE: They should be in the file because the juvenile file was in the [9] courtroom.

THE COURT: There is a blank copy of an order to show cause, that Jacqueline Bouknight, mother of the respondent, show cause in an immediate hearing on April 20, 1988, hearing before Judge Angeletti. Is that the order or show cause that you were referring to? Is this the one Judge Angeletti made changes on?

MS. BLIMLINE: Yes, Your Honor, that's the one.

THE COURT: He made changes to this order?

MS. BLIMLINE: Yes, Your Honor.

THE COURT: I don't see anything in here.

MS. WATTS: I would also agree with Ms. Blimline that he did make those changes on the record, she stated, when he was signing it.

THE CLERK: Judge Mitchell, I was the clerk up there that day. He did make changes, but where the order is, I do not know.

THE COURT: The Court is going to hold her over, under the warrant issued. There is no bail on the warrant. The matter will be before this Court tomorrow morning at 9:15. The mother [10] of the child, the respondent, in the motion for contempt, will be remanded to the custody of Baltimore City Jail, to be brought back tomorrow morning. At tomorrow morning's hearing, we will discuss the status of this order including an order for psychiatric evaluation; that should be signed perhaps. By that time we should also have made arrangements with Mr. Conti that the lady be evaluated.

If Judge Angeletti found this woman to be in contempt of court, she can always purge herself of the contempt by revealing the location of her child, Maurice M , before we conclude this proceedings. We want to give her the opportunity to purge herself of contempt at this moment.

Are you Ms. Bouknight? Are you Ms. Bouknight? Are you Ms. Bouknight? Would you stand up, please.

Ms. Bouknight, I'm going to give you the opportunity to speak with your attorney Mr. Hines to see if there is going to be any purging of the contempt. What that means is that you are held in contempt of this Court's order. You have the opportunity to remove yourself from that contempt [11] status by simply indicating the whereabouts of your minor child, Maurice M . Do you understand me?

MS. BOUKNIGHT: Yes.

THE COURT: Where is Maurice M.?

MS. BOUKNIGHT: He's in Texas.

THE COURT: Where is he in Texas?

MS. BOUKNIGHT: 3417 Denton Avenue.

THE COURT: 3417 Denton Avenue, D-E-N-T-O-N?

MS. BOUKNIGHT: Yes.

THE COURT: What community? What is the city?

MS. BOUKNIGHT: Dallas, Texas.

THE COURT: Contact the Dallas Police Department and have them verify this situation. If it is verified and you can report that to the Court tomorrow, we will strike the finding of contempt.

MS. BLIMLINE: Your Honor, could I ask when this child was supposedly taken to Dallas, Texas.

THE COURT: Yes, you may.

MS. BOUKNIGHT: He was taken before his father got killed, and then they came back, and [12] then a week after he came back, he was taken back down there.

THE COURT: Who is he with in Dallas?

MS. BOUKNIGHT: He's with my sister.

THE COURT: What is your sister's name?

MS. BOUKNIGHT: Barbara.

THE COURT: Last name, please?

MS. BOUKNIGHT: The same as mine, Bouknight.

MS. BLIMLINE: Your Honor, on the 20th, Ms. Bouknight spoke with her attorney, Robin Parsons, and stated she had her child with her, and was on her way to court on that date. I think perhaps she's not telling the truth.

THE COURT: Well, I said I'm not going to release her. Number two, it is a simple matter of contacting the Dallas Police Department, and they making an attempt to contact her sister in Dallas to verify the presence of the child. If you wish an order to be issued to take that child into custody, I'll issue it.

MS. BLIMLINE: Yes, Your Honor, I would like such an order.

THE COURT: Well, we already have a protective service—

[13] MS. BLIMLINE: The child is under the shelter care order of Master Price.

THE COURT: Fine. That's sufficient to contact them and ask the police in Dallas to verify the location of the child. If they verify that, they should take the child into court custody; then they should take the child to the juvenile court and speak to Judge Craig Penfold, P-E-N-F-O-L-D. Judge Penfold is one of the presiding judges of the juvenile court, and the child will be returned to Maryland in due course. First, however, let's get the Dallas Police Department to verify that this information given by the mother is correct. If it is not, we will deal with that tomorrow. Right now, I'm going to remand her to the Baltimore City Jail, pursuant to this warrant. If the information is verified by the Department of Social Services, we will take care of her and release her on the contempt. We also have to do a psychiatric evaluation, if you wish to proceed to that.

MS. BLIMLINE: Also with the scheduling of review hearing.

THE COURT: That is correct. Is that agreeable to you, Mr. Hines?

[14] MR. HINES: Yes.

THE COURT: Mr. Cuffia, will you take this woman to—identify yourself.

DET. JONES: Detective Jones, Baltimore City Police Department. Her processing hasn't been completed. They informed me to bring her back, and they'll send her to jail.

THE COURT: All right. Fine. You may keep her in the custody of the police department to complete necessary paper work.

MR. HINES: But she will be here tomorrow morning?

THE SHERIFF: Excuse me, Judge, if they keep her tonight at Central, it would be much easier to get her than try to get her from the jail.

THE COURT: Would you have one of the sheriffs go down and get her tomorrow. You hold her over, and make sure that no commissioner attempts to set bail on the Circuit Court warrant where there is no bail. If they need to reach me, I can be reached. They know how to do that. Thank you. Nobody should touch my warrant with no bail. Thank you, sir.

MS. BOUKNIGHT: Bitch.

[15] THE COURT: Excuse me, Ms. Bouknight. Let me tell you something, you may be upset and angry right now, but you don't want to buy that trouble. I'm going to presume that because there is a request for psychological evaluation, your calling the Court a bitch was in error. If it continues, however, she's going to have more trouble.

MR. HINES: I will certainly speak with her.

(Proceedings adjourned.)

Circuit Court For Baltimore City

April 28, 1988

[Title omitted in printing]

[2] PROCEEDINGS.

This is the proceedings involving Jacqueline—excuse me, Maurice M Petition No. 88704202.

Counsel, put your appearances on the record.

MS. BLIMLINE: Good afternoon, Marilyn Blimline representing Baltimore City Department of Social Services.

MS. WATTS: Lisa Watts, Legal Aid Bureau, representing the respondent.

MS. PARSONS: Robin Parsons, Assistant Public Defender representing the mother.

THE COURT: Ms. Parsons, you were not here last evening, because of illness. Your client was represented by Mr. Hines of your office. When we ended yesterday's proceedings, your client had been just arrested by Baltimore City Police on a warrant signed by Judge Angeletti. She was brought to this Court and given an opportunity to purge herself of the civil contempt. She was given the opportunity of advising the Court and parties present of the location of her child, Maurice M . She gave us an address where we could find Maurice. It was in [3] Dallas Texas. I want to hear a report from the Department of Social Services of their efforts with the Dallas Police Department to locate this child.

There was also an order for psychiatric evaluation which was approved by Judge Angeletti but he's not available to sign it. I did sign it this morning, and it is my understanding, she has been evaluated, and you have received a copy of the report.

MS. PARSONS: Yes.

THE COURT: Mr. Conti of the Medical Office advised the Court that the evaluation indicates that your client is competent to assist you, and also competent to proceed with this matter.

Ms. Blimline, what is the situation?

MS. BLIMLINE: Okay. In regards to Dallas, I made some phone calls last night and spoke with a Sgt. Maxwell of the Dallas Police Department and then with the child abuse investigator with the Dallas police, Fred McDonald. He ran a check and stated there was no such address and they could find no record of Ms. Barbara Bouknight in Dallas, City of Dallas, [4] County of Dallas, Lake Dallas which is Dallas County. However, a police officer present today, Officer Shawn DeShields (phonetic) has given new information from her superior that he had spoken to a Det. Sgt. Clower (phonetic) of the Dallas police and there is a 4730 Denton Drive, Apt. 109, and that they were able to reach a Barbara Bouknight, but that she has not seen the child ever. She did see a photograph of the child as an infant.

THE COURT: The child is not in Dallas with that person?

MS. BLIMLINE: No.

THE COURT: Is she related to the--

MS. BLIMLINE: Sister.

THE COURT: She's a sister of that lady?

MS. BLIMLINE: Yes, sir.

THE COURT: Okay. Ms. Parsons.

MS. PARSONS: On behalf of my client, she absolutely insists that the child is there, and said if they just go to the home and look, the child is there. She absolutely insists that he's there.

THE COURT: We are in a situation where [5] your client has told you on the 20th of April, when this case was scheduled for some proceedings, that she would bring the child to court in a matter of moments. She did not bring the child to court. She did not appear herself before Judge Angeletti. My understanding is, she also told the authorities that the child was in Baltimore and at the grandmother's house or some relative in Baltimore. That proved to be incorrect. My understanding is, there is an address that was given for a relative in South Carolina that had the child; that's incorrect. Now, we heard yesterday that the child is with someone in Dallas, Texas; that has proven, so far, to be incorrect.

MS. PARSONS: Well, Your Honor, I'm just--I don't know if the police have actually gone to that address to see if the child is in fact there; I don't know that.

MS. BLIMLINE: If I could say, Your Honor, the police did go to the home themselves; also talked to neighbors. Ms. Barbara Bouknight has a son of her own, and this child is not there.

THE COURT: Your client appears to be continuing in the contempt of Court, and now the [6] Court is starting to get very concerned about the whereabouts and safety of the minor. It is our understanding that the child is about eighteen months old, and no one has seen the child for several months.

MS. PARSONS: That is my understanding also.

THE COURT: Without being dramatic, no one knows whether the child is living or dead.

MS. PARSONS: I haven't seen him. I have been in touch with the mother from time to time. She indicated that the child is fine, and she's going to school.

THE COURT: Then where is the child?

MS. PARSONS: In Texas, according to my client, the child is in Texas.

THE COURT: I hope your client understands that being in civil contempt means that you stay in jail until you purge yourself of contempt. There is no term for such an imprisonment.

MS. PARSONS: Your Honor, I would like to address—

THE COURT: That there is also no bail.

MS. PARSONS: I have explained the [7] situation to her carefully, and I would argue, however, on her behalf that when one is in civil contempt, the opportunity to purge themselves has to exist, and the Court has given her this opportunity, at least technically, by allowing her to tell where the child is. If that opportunity—it is my argument, that opportunity could be not a realistic one and not perhaps even a constitutional one, if her purging herself may involve admitting to a crime of some sort.

THE COURT: No one is asking her to admit to anything. We are very much conscious of her rights pursuant to the constitution. No one has asked her what has happened to the child or whether she committed any act that in anyway harmed the child. The only thing that is required here is that she produce the child pursuant to the order of this Court. If she fails to produce the child, she remains in contempt of this Court. It is my understanding that no one has questioned her about any aspect of this case that would—unless they have explained her rights. If they have not done that, they ought to start considering her. This Court is not asking her anything, in its opinion, that would allow her to invoke her Fifth [8] Amendment privilege. If she chooses to do that, but refuses to answer what I think is a lawful, legal question of the location of this child, she stays in jail until she purges herself of contempt. It is an opportunity available twenty-four hours a day, seven days a week. What we will not permit, however, is that she purge herself of contempt by giving up information that we cannot verify. If we verify the information as to the location of the child, we will release her from the civil contempt.

MS. PARSONS: Well. I would at least request that the efforts to verify the information she has given the Court, and given me, and still continues to give me, that they be a little more strenuous at least.

THE COURT: Ms. Blimline, can you tell us what happened when the Dallas police investigated that matter.

MS. PARSONS: Actually, I can say what the detective told me on the phone, and he ran a computer check and was not able to find even an address for this woman. Now, the officer present today can testify as to what was done by her office, when they did finally verify. I thought [9] yesterday that we were given the address 3417 Denton Avenue, and the address turned out to be 4730 Denton Drive, Apartment 109, but the detective can testify as to what efforts were made by her office.

THE COURT: Proffer to the Court.

MS. BLIMLINE: Just that they did go out to the house, they found the house number for her sister, went out to check the house; in fact called the sister into the police office also and questioned her, questioned neighbors, and no one has seen this child. The sister states, she's never seen her nephew only a photograph of him when he was an infant. It seems to me—

THE COURT: Do you want that under oath and on the record? If you wish, we will swear the witness and have her testify to the efforts she is aware have been made by authorities in Dallas Texas.

MS. PARSONS: Of course, Your Honor, her information would be hearsay.

THE COURT: Of course, it would be hearsay. You are not going to Dallas, and this Court is not recessing to reconvene in Dallas, Texas to find out where this child is. Of course, [10] absolutely, it is hearsay.

MS. PARSONS: No, I don't—I'm sure that's the information she would give.

THE COURT: Okay. Unless someone can give us more information to assist us in the location of this child, this hearing is at a close and she remains in contempt of this Court. I have given her again the opportunity to purge herself of contempt through the means of a proper address, person, or location for the child Maurice Miles, the subject of these proceedings. She can do that at any time by simply indicating to you, Mrs. Parsons, to anyone at the jail, or anyone in authority, including this Court, that information. This Court also is open in the sense of a person, of a judge twenty-four hours a day and seven days a week.

MS. PARSONS: Your Honor, if she in fact doesn't no exactly—if she sent the child to Texas, and the child not with her sister, not in her home, but in some other home in Texas and the mother really does not know the exact whereabouts the child is, I'm not going to ask you, but it is my contention, that is not a realistic opportunity to purge herself.

[11] THE COURT: This child was definitely in her custody, pursuant to the order of this Court. If she doesn't know who has it, then she better get on the horn and find somebody who might have this child. That is her responsibility; it is not ours. We are not going to release her until she does.

THE COURT: Again for the final time for this proceedings, she's given the opportunity to purge herself of contempt of this Court by producing the child; does she wish to take advantage of that opportunity?

MS. PARSONS: No, Your Honor, not at this time.

THE COURT: The report from Dr. Rappaport dated April 28, 1988 will be placed in the court file as part of the exhibits in the matter. The warrant executed by Judge Angeletti on April 20, 1988, setting no bail will remain in effect. This Court will take no action in regards to it, and return her to the sheriff.

MS. BLIMLINE: Your Honor, I would also ask that the court set a review date. The child right now is under shelter care order that will be expiring around the 20th of May. So I would ask [12] that a review date be set that that can be taken care of.

THE COURT: Miss Parsons, what is your availability for a review date?

MS. PARSONS: Any time. Just not on a Friday.

MS. BLIMLINE: And I would ask that it not be set on a Monday.

THE COURT: All right. We will schedule the matter for review and send notice to counsel. We suggest that you initiate an appropriate criminal investigation in this matter.

MS. BLIMLINE: Okay. Thank you, Your Honor.

(Proceedings concluded.)

Medical Service
of the
Circuit Court for Baltimore City

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April 28, 1988

CASE OF: JACQUELINE BOUKNIGHT, AGE 21, CASE NO. 20812
REASONS: EMERGENCY CONSULTATION FOR COMPETENCY AND DANGEROUSNESS, PETITION NUMBER 88704202
REFERRED BY: THE HONORABLE DAVID B. MITCHELL, CIRCUIT COURT, PART 11
EXAMINED: MEDICAL SERVICE, CIRCUIT COURT, APRIL 28, 1988

EMERGENCY CONSULTATION

I saw Ms. Bouknight for almost one hour and reviewed the appropriate records. It is my opinion that Ms. Bouknight understands the nature and consequences of the charges against her and is able to assist her attorney in her defense. It is further my opinion that Ms. Bouknight is not currently dangerous to herself or the person or property of others. I can not specifically render an opinion as to whether or not she might be dangerous to her child,

Maurice, since there is evidence in the record per the psychological test report of Joseph Eisenberg, Ph.D., of July 27, 1987, which indicates serious concern about her ability to render adequate care to her child. In addition, she appears to be basically a very angry, negativistic type of individual who frequently misunderstands what others are about and who easily becomes involved in power struggles, as she is currently involved with both the Court and the Department of Social Services.

She informs me that the child is with her sister at 3417 Denton Avenue, Dallas Texas. She apparently sent the child there for a visit at some time in the past several weeks (?), claiming that she didn't think there was anything wrong with that.

If the Court is desirous of trying to resolve this current problem with Jacqueline in a way that would best serve her, the baby and the Court, it will take a great deal of patience with an effort to try to prevent Jacqueline from becoming angry and negativistic. In this direction, should an impasse appear to be developing, Mr. Conti or members of the Medical Office staff could be of some assistance.

Respectfully submitted,

/s/ Jonas R. Rappeport, M.D.
Jonas R. Rappeport, M.D.
Chief Medical Officer

JRR/ps

BOUKNIGHT, Jacqueline

DSS Contacts 8/18/87 through 5/5/88

8/18/87 Disposition Hearing; Child to remain with mother; Order of Protective Supervision; Intake CPS Worker obtains signed consent from Ms. Bouknight to obtain written copy of the Psychologist's report; Family and Children's therapist had a copy but could not give such to the Department on 8-18-87.

8/20/87 Foster Care Worker T/C to Lilly Alston, Income Maintenance. She needs a memo explaining what happened at court so that Ms. Bouknight can start receiving AFDC.

8/25/87 Foster Care Worker T/C from Mrs. Dixon, In-home Aide. Jackie Bouknight is not receiving AFDC yet; In-home Aide H.V. Saw mother and child.

8/31/87 Foster Care Worker T/C to and H.V. with Bouknight. Client requested Similac with Iron formula and diapers for Maurice. Maurice had 104° temperature and she took him to the doctor. Transported mother and child to get a prescription. Client requested a new MA card for Maurice; Foster Care Worker T/C and referral to Emergency Services. Took Ms. Bouknight to 1500 Greenmount - 2nd floor;

Foster Care Worker T/C to WIC. WIC requested a letter saying that client applied for Emergency Food Assistance, give client some tokens, have her get a letter from the people she is staying with stating that they are providing housing and some food and have her bring these letters to the WIC office Wednesday morning on Eastern Ave-

nue. Took Mother and child to Sears for clothing.

9/1/87 CPS Worker Appointment letter sent to Ms. Bouknight at 1726 N. Washington Street.

9/4/87 Foster Care Worker T/C from J. Bouknight. Ms. Bouknight said she never came to pick up the forms for WIC and tokens because it was too hot. She wanted me to mail it to her. Mrs. Dixon, In-home Aide, comes every Tuesday morning from 8:30-11:30;

9/4/87 CPS Worker H.V. to Ms. Bouknight and Maurice; Maurice appeared well-fed with good affect and hygiene. Service agreement discussed and signed by Ms. Bouknight.

9/8/87 In-home Aide - H.V. Saw mother and child.

9/15/87 In-home Aide - T/C from J. Bouknight stating Aide not needed today.

10/6/87 In-home Aide - T/C from J. Bouknight stating Aide not needed today.

10/13/87 In-home Aide - H.V. with mother. Child not there.

11/4/87 In-home Aide - H.V.; Saw mother who said not needed today.

11/4/87 F.C. Worker T/C from client and attempted H.V. Ms. Bouknight called and said she had a problem and requested a home visit. She said she knew she had to move in November but she will be moving today as soon as she gets her check. I told her I would be closing her case and that she has a P.S. worker but that I would come out. When I arrived, I was told that her grandfather had just taken her over to Apple's house. He said that he

does not like the people she associates with and that one of them stole his T.V. Grandfather's name is John Brown.

11/10/87 In-home Aide - unable to keep scheduled home visit with client.

11/17/87 In-home Aide - Attempted H.V. - no one responded.

11/24/87 In-home Aide - Attempted H.V. - no one responded.

11/25/87 CPS Worker - Attempted H.V. - no one responded.

12/1/87 CPS Worker - Sent appointment letter to schedule H.V. on 12/7/87.

12/7/87 Attempted T/C Contact. CPS Worker unable to keep appointment due to emergency in another case.

12/7/87 CPS worker - T/C contact with F.C. Worker; client reportedly has moved.

12/8/87 In-home Aide - Home Visit with mother; child was not there. Client stated she had moved to another residence and would call. Planned to go shopping next week.

12/10/87 In-home Aide - T/C - child answered the phone and said Ms. Bouknight had just left.

12/14/87 In-home Aide -T/C with Ms. Bouknight. The Aide wanted to schedule a home visit for 12/15/87. Ms. Bouknight declined saying she was planning to see Maurice's father. The Aide had gifts for Ms. Bouknight and Maurice. Ms. Bouknight said she would call and tell her where to bring the gifts.

12/18/87* In-home Aide T/C with Ms. Brown. Was told Ms. Bouknight did not live there anymore.

3/22/88 Informed by D.S.S./P.S. worker, Angela Collins (paternal relative) that Terrance Miles, father, has been shot to death on 3/11/88 at Washington and Lanvale Streets. Both parents alleged to be drug abusers. Ms. Bouknight reported to be wandering about in a daze since the death of Mr. Miles.

All additional contacts were by CPS Worker.

*12/23/87 Attempted H/V by CPS Worker - no response.

2/5/88 Master File Clearance - attempt to locate new address. Old address still listed.

3/23/88 Emergency HV to Ms. Jacqueline Bouknight at 9 a.m. Ms. Bouknight not home. Worker spoke to former foster father of Ms. Bouknight, Mr. John Brown (DOB 5/3/16, SS#249-14-5253), who indicated that he was the principal tenant of 1726 N. Washington Street and that Ms. Bouknight and Maurice were in residence at his home and that he saw Ms. Bouknight and Maurice that morning around 9 a.m. and that both were in good health. Mr. Brown confirmed that Ms. Bouknight was in a daze after the shooting death of Terrance Miles but that she was better and that he would not permit any harm to come to Maurice and that he had been helping Ms. Bouknight with parenting skills.

3/23/88 T/C to Foster Care Worker, Nancy Weaver; was referral source for Ms. Bouknight to Infant Study Program at U of Md. Hospital. Ms. Bouknight had 3 appointments in July and August, 1987. MA to provide transportation to and from hospital.

3/23/88 T/C to Ella Smith of Medical Records of Francis Scott Key Hospital; last appointment for Maurice 5/22/87, check-up, no special concerns noted. Appointment scheduled 9/9/87, no show.

3/23/88 T/C to U of Md. Hospital Infant Study Program, Director, Ms. Gundy (328-6975 or 828-2485 and 828-2750)

3/23/88 T/C to Ms. Barbara McGhee, Intake Specialist, U of Md. Infant Study Program (328-2485)

3/23/88 T/C to Ms. Rose Blum, Secretary, Family & Children's Society; no recent contact by Ms. Bouknight. Counselors, Leslie Morris and Carol Hubbard have left. Case closed on 7/31/87.

3/23/88 AMF clearance on Ms. Bouknight; current address for AFDC grant - 1726 N. Washington Street.

3/23/88 AMF clearance on paternal grandmother, Ms. Florence Dea no current 30 case.

3/23/88 AMF clearance on Terrance M. Miles; last home address - 2250 Gable Avenue, SS#214-76-8970, food stamp case - 30-635 304, case closed 11/1/87.

3/31/88 T/C to Ms. Jacqueline Bouknight (327-8873); no answer.

4/7/88 Unannounced HV to Ms. Bouknight at 1726 N. Washington Street; Ms. Bouknight stated that she was only visiting 1726 N. Washington Street, but that 1726 N. Washington Street was not her current address. Ms. Bouknight would not disclose her current address to worker. Ms. Bouknight would not

disclose whereabout of Maurice to worker, even though informed that worker was responsible to court for Maurice.

Ms. Bouknight stated that Maurice is with an aunt, whose name she would not disclose. Ms. Bouknight stated that Maurice was in Baltimore in her care. Ms. Bouknight stated that Maurice was seen at Francis Scott Key Hospital but would not state when. Ms. Bouknight stated she was seeing another counselor but would not disclose her counselor's name or the agency that her counselor was affiliated with.

Ms. Bouknight would not sign service agreement. Ms. Bouknight stated that she didn't care if the court was petitioned as she was not following the provisions of the Order of Protective Supervision. Ms. Bouknight stated that she would get physically violent if her AFDC grant were suspended in the office of Social Services, as the worker explained that income could not go out to a child whose whereabouts were unknown. When questioned why she would not let worker see Maurice or know of his whereabouts, Ms. Bouknight stated, "Social Services likes snatching people's children." That she was tired of being investigated and that I would never see them (meaning Ms. Bouknight and Maurice) again.

4/7/88 Conference with PS Unit Head, Leslie Ogungbemi, who concurred with worker's plan to file emergency court petition and to contact every known relative.

4/7/88 Emergency court review petition filed with Legal Resources person, Fran Burns.

4/7/88 T/C to Ms. Edna Gardner of Chesapeake Health Plan at the FSKH; last appointment by Maurice, 5/22/87; appointment scheduled in September, no show. May have been seen at Garwyn Medical Center (550-0100 or 550-3484).

4/7/88 Unannounced HV to former address of Terrence Miles at 1623 N. Durham Street; message left; no one home.

4/7/88 T/C to Parent Aide Supervisor, Ms. Gloria Dixon (X2076) to forward parent aide report

4/7/88 Attempted t/c to Parent Aide,Joanne Dix (X2075); message left.

4/7/88 T/C to Garwyn Medical Center (945-2200) at 2300 Garrison Boulevard, Baltimore 21216; Ms. Janice Thomas stated Maurice may have been seen by Dr. Francis or Dr. Clinton or Dr. Eric White (624-7800 or 563-4761) at 5240 Old Town Mall.

4/7/88 T/C to Ms. Kathy Ruzin, of Francis Scott Key Hospital; Maurice last seen 8/30/87 for check-up in the ER.

4/7/88 Attempted t/c to Dr. Timothy Doran (550-0967)

4/7/88 Attempted t/c to Dr. Steven Cohen (955-6070)

4/7/88 Attempted t/c to Dr. Patricia Shearer of JHH (342-7300)

4/7/88 T/C to JHH Social Worker, Rose Cariddi (955-8103); last contact with Maurice in 4/87.

4/7/88 T/C to Ms. Florence Dean (675-2683); last saw Maurice in 9/87. Her son, Terrance

Miles, was in North Carolina. Ms. Dean confirmed that her son, Terrance Miles, was shot to death on 3/11/88.

4/8/88 T/C to Parent Aide Supervisor, Gloria Dixon; Ms. Bouknight had been addressed before Thanksgiving. Case closed. Parent aide saw Ms. Bouknight in October and November, 1987. Went shopping with Ms. Bouknight. Ms. Bouknight first refused parent aide.

4/8/88 HV to Ms. Lillie Mae Bouknight at 5116 Queensberry Avenue; message left regarding worker's concern abut Maurice.

4/8/88 Attempted HV to Andrea Miles at 1450 Montpelier Street (243-8934); no answer; no doorbell or mail box.

4/8/88 T/C to Ms. Florence Dean at 675-2683 and 522-2100; no new information regarding Maurice.

4/8/88 T/C to maternal uncle, Charles Bouknight, at Traveler's Aid (685-3569); Mr. Bouknight had seen Ms. Bouknight recently. Would not disclose information including his own address to worker.

4/8/88 HV to 1307 N. Dallas Street, former address of Mr. Charles Bouknight; worker spoke to a Mr. Lee.

4/8/88 Attempted HV to Ms. Geneva McNeil at 1615 Biddle Street (243-8934); no answer.

4/8/88 Attempted HV to last AMF address for Mr. Miles - 2250 Gable Avenue; no such address.

4/11/88 T/C to Ms. Bouknight; not available; Maurice not with her (327-8873).

4/12/88 T/C to Ms. Bouknight; would not schedule time when worker could see Maurice.

4/12/88 AT 4 p.m., worker advised by PS Supervisor, James Ko, to file missing person's report with police.

4/12/88 Missing person's report or police report filed with Officer Charles Klein of Eastern District (396-2433) at 4:30 p.m. at 312 E. Oliver Street. Officer to go directly to Ms. Bouknight's address at 1726 N. Washington Street.

4/12/88 T/C to Ms. Lillie Mae Bouknight, paternal grandmother, 5116 Queensberry Avenue (466-4904); Ms. Lillie Mae Bouknight saw Maurice once in 10/86; has had no contact with Ms. Jacqueline Bouknight. No relative that she knew of in North Carolina but in South Carolina. Father, Charles Bouknight, in South Carolina. Maurice had 2 aunts, but Ms. Lillie Bouknight was certain that Maurice is not in their care. Ms. Lillie Mae Bouknight believed further that son, Charles Bouknight, had the most information and that he lived on Monument Street, although she did not know his address. Ms. Lillie Mae Bouknight not a relative resource.

4/12/88 T/C to Mr. Charles Bouknight at Traveler's Aid (685-3569); no recent contact with Maurice; would not discuss issue; would call worker at a later date.

4/14/88 T/C to Officer Charles Klein; spoke to paternal grandmother, Ms. Florence Dean, at 1003 N. Gay Street, apt. 201 (675-2883 and 522-2100); Terrance Miles reportedly bringing child in March to Jacqueline Bouknight. Ms. Bouknight reportedly to move to North Carolina. Maurice may be in North Carolina. Officer Klein went to 4633 Reisterstown

Road to see putative aunt, Louise Perry. Given wrong number by Ms. Bouknight. Ms. Bouknight stated to Officer Klein that she worked at Dial A Mate. Officer did not believe Ms. Bouknight could get a job. Contacted Dial A Mate at 219 Joppa Road; no listing for Ms. Bouknight. No record at Baltimore G & E. Post Office to get back to Officer Klein regarding another address for Ms. Bouknight.

Officer Klein contacted a Louise Perry at 717 Druid Lake Drive, Apt. 206 (669-4519); no contact with Maurice. Stated that Ms. Bouknight lied.

4/12/88 T/C from Ms. Bouknight at 5:35 p.m. to DSS Screening Worker, Zachary Grant, regarding police visit to home.

4/13/88 T/C from Ms. Bouknight; upset regarding police visit to home. Ms. Bouknight stated Maurice in care of aunt whose name and address she would not disclose. Ms. Bouknight stated that she was going to school during the day. Ms. Bouknight would not state a time in the evening when the worker could see Maurice.

4/13/88 T/C to Officer Charles Klein at 396-2433; missing person's complaint number is 3D-26458.

4/13/88 OV with PS Unit Chief, Leslie Ogungbemi; worker directed to contact SAO. Letter to IM worker to suspend grant. Letter to Ms. Bouknight, informing her of actions taken.

4/14/88 T/C from Officer Klein

4/15/88 T/C to Charles Bouknight at Traveler's Aid (685-3569)

4/15/88 T/C from Officer Klein at 4 p.m.; Officer Klein to refer case to Homicide to Sgt. Landsmann. (396-272 Ms. Louise Perry had never seen the baby. Case looks kinky. Officer thinks Ms. Bouknight did something that has hurt Maurice.

4/15/88 4:20 office conference with PS Supervisor, Gwen Johnson police involvement sufficient. Worker can do no more at this time, including contacting SAO. Possible relative in Columbia, South Carolina and Wynnboro, South Carolina.

4/15/88 5:15 t/c to Officer Klein regarding any new information

4/15/88 T/C to Charles Bouknight (685-3569); Mr. Bouknight stated he would not disclose information but that he would phone worker in his office around 1 p.m. on 4/18/88. Mr. Bouknight had not seen Maurice.

4/17/88 T/C to Officer Klein regarding progress of case

4/18/88 Unannounced HV to Ms. Bouknight at 1726 N. Washington Street at 12 noon; Mr. John Brown stated that he and a Shirley Davis and a Remell Carter lived at 1726 N. Washington Street as well as Ms. Bouknight. Mr. Brown revised his story that he had seen Maurice on 3/23/88, to state that he had last seen Maurice one week previous to 3/23/88.

Mr. Brown stated on occasion, he put Ms. Bouknight out of his home as she allowed Mr. Terrance Miles to come into his home and steal his TV.

4/18/88 1:30, this worker surprised Ms. Jacqueline Bouknight coming into the home. Ms. Bouk-

night was in the company of a man. Stated she was enroute to pick up Maurice and to take him to Francis Scott Key Clinic, to be seen by Dr. Doran and that she would return with Maurice at 4:30 p.m. on 4/18/88 to 1726 N. Washington Street, for the worker to see Maurice. Ms. Bouknight informed of the 4/21/88 1 p.m. court hearing.

4/18/88 T/C to Sgt. Stine of the Youth Division; Sgt. Stine to have police officer meet worker at 1726 N. Washington Street at 4:30 p.m.

4/18/88 Worker flagged Baltimore City Police Officer Opher, of the Eastern District. Worker and Police Woman went to 1726 N. Washington Street. Only Mr. Brown at home. Mr. Brown stated that Ms. Bouknight but not Maurice had slept at 1726 N. Washington Street on the night of 4/17/88.

4/18/88 Alert submitted to Henry Hunt of Foster Care Intake and to Screening.

4/18/88 AMF clearance for Valerie Miles; no active case.

4/18/88 T/C to Sgt. Stine of Youth Division (396-2042); case assigned to Det. Jones.

4/18/88 T/C to Charles Bouknight (685-3569) at 10a.m. Mr. Bouknight to call worker at 1 p.m./

4/18/88 Worker waited between 1 and 2 p.m. for phone call from Mr. Charles Bouknight; no call.

4/18/88 Attempted t/c to Andrea Miles, paternal aunt, who contacted DSS Supervisor, Merle Smith, who indicated she had not seen Maurice.

4/18/88 T/C to Det. James Jones; nothing new on case. Worker suggested photograph of mother and to accompany Det. Jones. Det. Jones stated he would rely on cooperation of Ms. Bouknight. Worker emphasized the possibility of this being a murder case.

4/19/88 9 a.m. office visit by Ms. Bouknight. Ms. Bouknight questioned this worker regarding court hearing for 4/20/88. "Are they going to snatch my child?" Worker replied that it was up to court. Ms. Bouknight replied, "that's all I wanted to know." Ms. Bouknight left the office. She then returned asking for tokens to go to school. In the waiting room Ms. Bouknight stated, "I'm going to kill myself. Are you going to put that in your record?" Worker replied, yes. Ms. Bouknight stated, "I'm going to kill myself after the court hearing. I won't have any reason to live without him. I won't have any reason to live then." Ms. Bouknight appeared to be on the verge of tears and an emotional breakdown. Worker gave Ms. Bouknight one token.

4/19/88 Case conference with Supervisor, Merle Smith. Worker not obliged to transport Ms. Bouknight to mental health facility but to inform Ms. Bouknight of such resources.

4/19/88 T/C to Mr. Charles Bouknight, Sr.; M-3, West Columbia Apts., West Columbia, South Carolina (803)796-2538 at 9:20 a.m. Mr. Bouknight would not discuss Maurice with worker. Stated he did not have Maurice.

4/19/88 T/C to Charles Bouknight,Jr. (685-3569); had not seen child in a long time. Ms. Bouknight did not mention child. Mr. Bouknight believed Ms. Bouknight not capable of caring for child.

4/19/88 T/C to Det. James Jones and OV by Det. Jones

4/19/88 T/C to Charles Bouknight; address of his father and a Thomasina in North Carolina given to worker. Mr. Bouknight requested that these relatives not be contacted until after the 4/20/88 court hearing. Worker stated urgent necessity of safeguarding child and indicated that they would be contacted immediately

4/20/88 T/C to Mr. Charles Bouknight (803) 796-2538 at 11:35 and 12 noon; no answer.

4/20/88 T/C to a Thomasina (803)799-5567; a man named John B. answered; not a relative; didn't know anything, but the person, Thomasina did live at that address.

4/20/88 T/C to Parent Aide Supervisor, Gloria Dixon; message left.

4/19/88 Unannounced HV to Leslie Miles, paternal aunt, at 913 E. 30th Street; last saw Maurice at the 2000 block of Oliver and Gay Streets, in mid February, 1988.

4/20/88 Telegram sent to Thomasina Bouknight, regarding whereabouts of Maurice Miles. No personal delivery of telegrams for West Columbia or Charles Bouknight. Operator #636.

4/20/88 Emergency court review hearing. Shelter care of Maurice granted to DSS by Master Teaette Price. Present - DSS Attorney, Marilyn Blimline; child's attorney, Lisa Watts, Legal Aid attorney for Maurice, and Robin Parsons, OPD for Ms. Bouknight. Also pres-

ent, Det. James Jones of the Youth Division, docket #887042023.

4/20/88 Motion for contempt and petition for the issuance of an order to Show Cause. Court hearing before Judge Edward Angeletti. Present - Marilyn Blimline, Lisa Watts, Robin Parsons, and this worker. Det. Jones not present although informed of court hearing.

Judge Edward Angeletti (396-5074 or 396-5075) issued a Show Cause Order. Ms. Jacqueline Bouknight to answer to the court why she was not present for court hearing of 4/20/88, although had personal service and signed summons and informed by her attorney, Robin Parsons, of the time and place of court hearing.

Judge Angeletti isused a bench warrant for Ms. Bouknight and ordered that if Ms. Bouknight failed to produce child, she is to be locked up until she produces child. Warrant #16188. No bail on warrant.

Ms. Bouknight to be brought immediately before Judge Angeletti and be given an immediate psychological and psychiatric evaluation by the court medical officer, Nick Conti.

4/20/88 T/C to Det. James Jones; informed of court order. Det. Jones indicated that he had a copy of the warrant #161-88. Det. Jones reminded of life and death nature of the case.

4/20/88 Alert and copy of Order of Shelter Care given to DSS screening person, Kenny.

4/20/88 Copy of OSC added to the Foster Care Alert to Foster Care Supervisor, Henry Hunt.

4/21/88 T/C and memo to IM Supervisor, Ms. Genevieve Hicks (X3282) at Collington Square, to suspend AFDC grant of Ms. Bouknight and to alert her and district regarding Maurice. Copy of memo also sent to IM Worker, Ms. A. Johnson (X3257).

4/21/88 T/C to Sgt. Stine of Youth Division; Det. Jones had spoken to a Sheila Davis at 1729 N. Washington Street who stated to Det. Jones that she had seen Maurice with Ms. Bouknight on that day.

4/21/88 T/C to Det. James Jones; Det. Jones advised that case should be regarded as a homicide and that no responsible employee of city or hospital had seen the child.

4/21/88 T/C to Sgt. Stine of the Youth Division; Det. Jones looking for Ms. Bouknight at that moment.

4/22/88 9a.m. t/c to Det. Jones

4/22/88 T/C to court clerk for Judge Angeletti; Eric McDonald worker quoted Det. James Jones, "that mother is going to have to help us." Worker suggested someone from Judge Angeletti's court to impress upon police the severity of the case, that Ms. Bouknight, according to Mr. Brown, did not stay at 1726 N. Washington Street on the night of 4/21/88.

4/22/88 T/C to Det. Jones, who spoke to a Ms. Sophronia Washington, niece of Mr. Brown, at 1726 N. Washington Street, on 4/21/88. Detective did not request photos of mother and child or want worker to accompany him to home as he had never seen Ms. Bouknight.

4/22/88 T/C to Ms. Cindy Mrozek, clerk to Judge Angeletti; same concern related.

4/22/88 3 p.m. t/c to Judge Edward Angeletti; Judge Angeletti suggested that either worker or police wait surceptiously outside the home at 1726 N. Washington Street.

4/22/88 T/C to PS Supervisor, Merle Smith; Ms. Smith stated waiting outside home not a PS worker's function. Worker had done all he could do.

4/22/88 4:30 unannounced HV to 1726 N. Washington Street; worker spoke with a Norma Begett, age 20, 718 N. Bradford Street, no phone. Stated to this worker that she had seen Ms. Jacqueline Bouknight around 1:30 p.m. by herself. Ms. Begett had no contact with Maurice.

4/22/88 Unannounced HV to Arthur Haynes at 1729 N. Washington Street regarding Ms. Bouknight and Maurice; Mr. Haynes stated he had not seen Maurice recently.

4/22/88 T/C to Officer Klein regarding Ms. Bouknight; seen at 1726 N. Washington Street.

4/25/88 T/C to Det. Jones.

4/25/88 T/C from Det. Celio Olivares of the Youth Section to give case close scrutiny.

4/25/88 Attempted t/c to Officer Klein

4/25/88 T/C to Lt. Sweeney of Homicide

4/25/88 T/C to Sgt. Harding, Shift Commander at Eastern Dist. to send an officer to 1726 N. Washington Street at night.

4/25/88 T/C to Ms. Hicks regarding suspension of AFDC memo

4/25/88 T/C from Det. Olivares; in need of photograph of Ms. Bouknight.

4/25/88 T/C to Ms. Hicks of Collington Square; permissible for police to pick up photo.

4/25/88 T/C from Ms. Hicks; instructed by District Manager, Thomas Piscitelli that photo ID of Ms. Bouknight can only be issued to worker or DSS personnel.

4/25/88 Visit to Collington Square District to Ms. Hicks; photo given to worker who gave photo to Det. Olivares and Jones.

4/26/88 T/C to Shift Commander, Sgt. Harding; Officer Klein went to 1726 N. Washington Street. Ms. Bouknight not there. To have another officer try again on night of 4/26/88.

4/26/88 T/C with Dot Rosinski, Chief of PS; Dot Rosinski to contact Youth Division of BCP on morning of 4/27/88, to request that greatest attention be given to the matter as it is a possible homicide.

4/27/88 T/C from Lt. Kibler of the Youth Divison (396-2042); Ms. Bouknight in police custody. Alert for child. During questioning, Ms. Bouknight mentioned the name of Michelle Jones in Lexington County, South Carolina.

4/27/88 T/C to Ms. Jeanette Scott, Executive Support Assistant Division of Child Protective and Preventive Services; Columbia, South Carolina (803) 734-5670.

Ms. Scott to check out Thomasina (Brunson) Z-2 Allen Benedict Court, Columbia, S.C. (803) 799-5567. and Charles Bouknight, Sr., M-3 West Columbia, South Carolina (803)

796-2538 and a Michelle Jones in Lexington County, South Carolina.

4/27/88 9 p.m. home t/c from DSS attorney, Marilyn Blimline Court orders of Judge Angeletti not signed. Court hearing to be continued on 4/28/88. Address proffered by Ms. Bouknight regarding a Barbara Bouknight. Initially information forwarded to Marilyn Blimline, indicated no such address.

4/27/88 T/C to Sgt. Caprinollo, of the women's lock-up in Central; warned about Ms. Bouknight's suicidal statements. Ms. Bouknight placed in a special cell.

4/28/88 Attempted t/c to Ms. Jeanette Scott, DSS in Columbia, South Carolina (803) 734-6182. Worker spoke to Jeanette Diaz regarding information and investigation request by Baltimore City Police and DSS of the above mentioned addresses as possibilities regarding Maurice's whereabouts.

4/28/88 T/C from PS Worker, Ms. Margaret Hopkins, from the Richland County DSS in Columbia, South Carolina.

On 4/27/88, Ms. Hopkins made a HV to Z-2 Allen Benedic Court, home of Mr. and Mrs. Johnny and Thomasina Brunson. Maurice not in their home. Ms. Hopkins also checked medical records at the Richland Memorial Hospital and DSS records for both Ms. Bouknight and Maurice Miles for food stamps, AFDC or medical assistance. No record.

Mr. and Mrs. Brunson knew Mr. Charles Bouknight, Sr. and although they are no relatives, Mr. Charles Bouknight addresses Mrs.

Thomasina Brunson as aunt. Mrs. Brunson did not believe that Mr. Bouknight, Sr. was caring for Maurice.

Address of Ms. Margaret Hopkins - Richland County DSS
Child Protective Services
2020 Hampton Street
Columbia, South Carolina 29204
Telephone # (area code 803) 256-4200, X105.

Ms. Hopkins did not have information regarding putative relatives in Lexington County.

4/28/88 T/C to Ms. Janet Diaz, Program Director, Child Protective and Preventive Services (803) 734-5670. Ms. Diaz to contact Ms. Jeanette Scott regarding the two workers sent out on 4/27/88 regarding both addresses.

4/28/88 T/C to Parent Aide Supervisor, Gloria Dixon, and Parent Aide, Joanne Dix; message left.

4/28/88 Interview by Det. Shawn Dashiell of the Youth Section at Central District regarding case record information.

4/28/88 Motion for contempt and show cause for non-appearance on 4/20 and the non-production of child court hearing before Judge David B. Mitchell. Ms. Bouknight found in contempt and to be incarcerated until she purges her contempt by disclosing the whereabouts of her son, Maurice.

Present were DSS attorney, Marilyn Blimline; Legal Aid attorney for Maurice, Lisa Watts; Office of Public Defender attorney, Robin Parsons; Det. Shawn Dashiell of Youth Division, BCP; and Ms. Bouknight.

Also on 4/28/88, Jacqueline Bouknight was given an emergency evaluation for competency and dangerousness. Petition #88704202 by Jonas A. Rappaport, Chief Medical Officer of the Medical Services of the Circuit Court for Baltimore City (396-5013), and it was found by Dr. Rappaport that Ms. Bouknight understands the nature and consequences of the charges against her and is able to assist her attorney in her defense. It was further stated that Ms. Bouknight is not currently dangerous to herself or the person or property of others. Ms. Bouknight was diagnosed as being a very angry, negativistic type of individual who frequently misunderstands what others are about and easily becomes involved in power struggles.

Ms. Bouknight stated that Maurice is with her sister at 3417 Denton Avenue, Dallas, Texas.

On 4/28/88, Lt. Kibler informed Det. Shawn Dashiell that a Barbara Bouknight did live at that address but that she had never seen Maurice other than a photograph of him when he was first born.

5/4/88 T/C from Detective James Jones of the Youth Section, Baltimore City Police, 396-2042. Detective Jones requesting worker to meet with Detective Richard Falhteich of Homicide Division of Baltimore City Police (9:50 a.m.)

5/4/88 11:00 a.m. - Interview of worker by Detective Richard Fahlteich of Homicide, Baltimore City Police at 500 East Baltimore Street, 396-2721.

5/5/88 Detective Dashiell indicates that Charles Bouknight, Sr., M-3 West Columbia Apart-

ments, West Columbia, South Carolina, (AC 803) 796-2438, and that the response was negative that Mr. Bouknight did now know of Maurice's whereabouts. Detective Dashiell indicated that Police were checking out fourteen different individuals with the name of Bouknight in South Carolina.

PROGRESS REPORT
CHILD IN PLACEMENT OR COURT ORDERED
PROTECTIVE SUPERVISION

Date: May 13, 1988

For Period From: August 18, 1987 to May 5, 1988

(Child's Name) Maurice L. M
(DOB) 10/3/86
(Date of Court Order) 8-18-87

Type of Court Order: Order of Protective Supervision

MOTHER: Jacqueline L. Bouknight
ADDRESS: 1726 N. Washington Street
(Presently incarcerated)

FATHER: Terrence M. Miles
ADDRESS: (deceased as of 3/11/88)

1. Reason for placement. When and why child came into care.

   Child Protective Service investigation initiated on 1/23/87 substantiated physical abuse and neglect. Maurice had suffered severe physical injuries while in the care of his mother.

2. Present placement. When it began. Adjustment of child.

   Maurice was placed in Foster Care from 2/10/87 until 7/17/87. Maurice was ordered returned to the care of his mother by the Court on 7/17/87.

3. Agency contacts since last report. Dates and types of contacts. With whom and where.

   See attached contact listings that combines contact by Foster Care, Child Protective Services and In-home Aide Services dating from the dispositional decision on 8-18-87.

4. Health (last medical exam., type of treatment and *where*, including medication, further needs).

   On 7/17/87, Maurice received a medical examination at Chesapeake Health Plan upon his exit from Foster Care. Maurice had some problems with his ear due to teething, and had a cold. A prescription was provided.

   On 8/30/87, Maurice was seen at Francis Scott Key Emergency Room due to a high temperature. Prescription given. Mother filled prescription on 8/31/87 with assistance of Foster Care worker. No known subsequent medical appointments.

5. School progress—grade, type of school and adjustment.

   NOT APPLICABLE

6. Description of contacts between natural family and child. (Dates, with whom, purpose.)

   SEE ATTACHED CONTACT LISTING.

7. Service plan for child's family. (What are the objectives agreed upon between relative and worker and what activities are needed to reach the objective/goal.)

   Maurice M s' current whereabouts are unknown. His mother, Jacqueline Bouknight, has refused to disclose his whereabouts and has been found in contempt of court. Ms. Bouknight has been incarcerated since 4/26/88.

8. Financial support by child's parents.
   ☐ Supporting ☐ Not Supporting

   AFDC-FC Status

   ☐ Eligible ☐ Ineligible

9. Other problems and/or comments.

10. Direction indicated for child.

    Every effort is being made by the Baltimore City Police Department and Baltimore City Department

of Social Services to locate Maurice Miles. D.S.S. is requesting that Maurice be committed to the Department and placed in Foster Care as soon as he is found.

Prepared By: Phil Maguire /s/Philip Maguire
Date: 5-13-88

Social Services Center: Child Protective Services
Phone No.: 361-2438

Supervisor's Signature: Merle Smith /s/ Merle Smith 5/17/88
Phone No.: 361-2108

DUE DATE—Next Reconsideration/Court Report: To be determined by the Court

CIRCUIT COURT FOR BALTIMORE CITY

MAY 18, 1988

[Title omitted in printing]

PROCEEDINGS

[2] MS. BRIMLINE: Your Honor, the Department would call the case of Maurice Lorenzo M Docket Number 887420. Marilyn Brimline representing the Baltimore City Department of Social Services.

MS. WATTS: Lisa Watts, Legal Aid Bureau, representing the Respndent along with Mitchell Mervis.

MS. LIPMAN: Your Honor, George Lipman and Robin Parsons representing Miss Bouknight.

We have a preliminary matter.

THE COURT: This is the time.

MR. LIPMAN: If Your Honor please, at a prior hearing, I understand from Ms. Parsons, she asserted the Fifth Amendment right against self-incrimination and Article 22 of the Maryland Declaration of Rights regarding the right against self-incrimination on behalf of Miss Bouknight. We are very adamantly asserting those rights here again today.

If Your Honor please, our position is that this contempt proceeding cannot continue. The contempt situation cannot continue because Miss Bouknight is being held because she is [3] refusing to give up her Fifth Amendment rights against self-incrimination. That's our first preliminary matter.

Our second preliminary matter for the record is we want to assert the Sixth Amendment right to counsel in questioning and the Fifth Amendment. If Your Honor please, I would proffer that in indicating to the State's Attorney's Office, Mr. Glushakow, who is with the Violent Crimes

Unit of that office and who is in court today, and Mr. Cohen from the Juvenile Division of the State's Attorney's Office who is also in court today, we had a discussion approximately a half hour ago where to my surprise I saw my client in the library of the Violent Crimes Unit on the third floor of this courthouse in the company of the detective.

Your Honor, at that point, I said to Mr. Glushakow and to Mr. Cohen and to the detective that we were asserting the Sixth Amendment right, and we did not want anyone talking to our client because we were representing her, we meaning Robin Parsons and George Limpan of the Office of the Public Defender.

So, Your Honor, we wish now to raise [4] both the fifth and Sixth Amendment rights and we would like to present some testimony as to that, move for Your Honor to strike the contempt order and free Miss Bouknight from jail, and we want a record here which I think we just made that we are asserting our Sixth Amendment rights to the Baltimore City Police Department and the other Police Department and State's Attorney for Baltimore City that we are representing her and we do not want her talked to by any law enforcement officials without our being present. And Your Honor, I would like to, if Your Honor please, it is quite elaborate, our motion on the Fifth Amendment.

There are a lot of federal cases, state cases, and a proffer we wish to make in this matter. And I guess we're asking the Court's guidance when we should do that, if we should do that now or if Your Honor would want a written memorandum from us in a couple of days or how Your Honor wishes to handle it. We are prepared to orally make that motion today.

We have a proffer ready regarding that, and we have a pile of cases and their citations. I apologize to the Court, we have not had an [5] opportunity to write a brief memo at this point.

THE COURT: There are several issues that you present and some of which come into direct conflict with the base of authority with this court and its previously issued orders. This child was placed with the mother on the order of protective supervision. This court has jurisdiction to require at all times to know the whereabouts of the minor child. We asserted jurisdiction over that child in the spring of 1987 at the time of a hearing on an allegation brought by Baltimore City Department of Social Services that Maurice was a Child in Need of Assistance.

This court did render a finding that the child was indeed one who was in need of assistance of the Court, and we took jurisdiction over his well-being. The decision made by the Court in concert with that, with the parties, was to place the child in the home of its mother under continuing authority of the Courts. It has been brought to the Court's attention that the child's whereabouts are unknown.

This is a child under whom the Court has asserted jurisdiction. We are inquiring of the whereabouts of this child. We still are [6] inquiring of the whereabouts of this child as of the moment. That inquiry is very valid. The proceedings have several complexions to them. One is to continue the opportunity afforded to Miss Bouknight to purge herself of the contempt of this court for failing to comply with the previously issued order of advising this court of the whereabouts of her child.

She asserts her Fifth Amendment right and if she does do that, that is perfectly permissible and proper. This court is always going to be available to protect her rights in that regard.

A decision on her part to do that is individual in nature. The Court is in no way compelling her to do anything with regard to the decision on her Fifth Amendment rights. Clearly, however, we have an interest in locating this child. However that is done, we will accept the information. She, however, does stand in contempt of this court for failing

to produce a child that was placed in her custody and under her control. She does not have to speak. The child, however, is under an order of this court validly issued.

Now, if you want to have testimony [7] presented in support of your motion, that's find and we will take that testimony. Of course, we will permit you the opportunity to produce your record. That, however, is only a portion of the proceedings that we are going to engage in today. Other portions of today's proceedings include a review of this case. On April 28, 1988, this court scheduled this matter for a review on today's date at 9 a.m.

The purpose of that review was to discuss the status of the child and any care that was rendered to the child. This hearing necessarily encompasses the mother if she wishes to participate. The opportunity is afforded her. She is only a portion of the parties' involvement in these proceedings.

The Court would like them to discuss the agency's handling of the child. If you want the opportunity to submit a memoranda, from all of the attorneys on the issue that you raise, the Court will give you that opportunity.

You asserted here today on the record Sixth Amendment rights for your client. You have in court a representative of the Baltimore City Police Department, and we have also the State's [8] Attorney's Office in the person of Mr. Glushakow and Mr. Cohen.

I am sure they heard your assertion. They are involved with the police in many capacities. They will transmit the message. If you wish, the forum is available to you, sir. We will allow you to take whatever testimony or make whatever proffer you wish to make. If you want to supplement that by a written motion along with memoranda, you may do so. We will then have to discuss a schedule to allow counsel for the other parties to participate in any response.

The State's Attorney's Office is not a party to these proceedings. The State's Attorney's Office if anything is an observer in these proceedings. They may request participation as a party or at least as a friend of the Court. They have not done so. We will have to cross that bridge if in fact we have to approach it. Does anyone have any comment they wish to make before we permit Mr. Lipman and Mrs. Parsons the opportunity to make their record?

MS. BRIMLINE: No, Your Honor. Per Your Honor, as counsel for the child, we would be happy to submit a memoranda and a response to the [9] presentation that Mr. Lipman is making today.

THE COURT: All right. Mr. Lipman, the forum is yours.

MR. LIPMAN: Thank you, sir. If Your Honor please, I would like to, I guess, make a first comment about Your Honor's statement, then proceed. First of all, Your Honor, it is our position that there can't be a line drawn between her producing the child, her giving statements to any person, as to the whereabouts of any child without being in the middle of the Fifth Amendment.

We also call to the Court's attention that the Fifth Amendment is absolute. There is no balancing between the State's interest and the Fifth Amendment, that it is an absolute right. And Your Honor—

THE COURT: Mr. Lipman, doesn't she place herself on the horns of a dilemma?

MR. LIPMAN: No, Your Honor, she does not place herself on the horns of a dilemma. I would say the State is on the horns of a dilemma. If they wish to get statements from her, as I would go on a little further, they could offer her complete immunity from any prosecution. That is [10] the standard in which it is done. If they don't, the essence of the contempt, the substance of the contempt is that she must verbally or physically produce statements or evidence that may tend to incriminate her.

If Your Honor please, we are not in any way suggesting that she is guilty of anything, simply call to the Court's attention the case of Slochower v. Board of Higher Education for the City of New York which is 350 U.S. 551, 100 Lawyers Edition 692, 1951 at page 700 where it simply says, "The privilege against self-incrimination will be reduced to a hollow mockery if its exercise is taken as the equivalent of either a confession of guilt or a conclusion of presumptive punery."

As we point out, the witness may have a reasonable fear of prosecution, yet produce any wrongdoing. The privilege will protect the innocent which might otherwise be ensnared by any circumstances. If Your Honor please, that is where we think we are right now.

If Your Honor please, we will give a memorandum to Your Honor, we have seven cases which we have shared with the State and—

[11] THE COURT: Looks like you are sharing them now.

MR. LIPMAN: Well, I am sharing them now with the State's Attorney and the person from Department of Social Services now and with counsel for the child which are preliminary research in this matter, and we are continuing it. I could share it with the Court too if I don't run out of copies here.

Your Honor, as we look at Richardson v. State, which is a Maryland case, 285 Maryland 269, and Smith v. State, 283 Maryland 187, in those cases is the sort of Hornbook law that I think governs the situation here. That Hornbook law, of course, is that the Fifth Amendment applies in any kind of proceeding, not just a criminal proceeding, an administrative proceeding, civil proceeding, any type of proceeding where to quote Richardson at 268, "Where it is not therefore perfectly clear that the appellant's answers could not possibly have a tendency to incriminate him."

Your Honor, I would submit the standard is very, very low for any court's review of whether the Fifth Amendment is asserted properly and it is simply that it must be perfectly clear [12] to the defendant that anything they say could not possibly incriminate them.

Your Honor, we think that it is perfectly clear from the circumstances surrounding this whole event that there is every possibility that any statement she may make may incriminate her. That language comes from the similar case in the area, Hoffman, which I gave to Your Honor, which is the clear case of there being no need for there to be a pending prosecution, an actual indictment, anything like that, to evoke the Fifth Amendment, only that there may be some nexus to a hazard that the defendant reasonably apprehends, that there, the actual language, the reasonable cause to apprehend danger from an answer. That if anything would furnish a link in the chain towards a potential prosecution.

If Your Honor please, that is the situation that we find ourselves in right now. Further, in Hoffman and annotations that accompany that cite, it is very clear that the Court in assessing whether or not it is a reasonable assertion of the Fifth Amendment, need not take actual testimony or need not have a burden of proof in a similar criminal case but rather, on [13] its own, look throughout the circumstances of the event to see if this is a reasonable decision with some possibility of incriminating himself by the client asserting the Fifth Amendment rights.

If Your Honor please, in that regard, Mrs. Parsons and I have prepared a proffer for today as to some of the circumstances surrounding this case, and we sort of divided it into two parts with Mrs. Parsons speaking regarding the, some of the juvenile matters that took place and myself talking about some of the aspects of the contempt petition. In that regard—

THE COURT: You propose to present no testimony?

MR. LIPMAN: Your Honor, at this point, we propose to introduce into evidence certain documents. We propose at this point to proffer through both Mrs. Parsons and myself statements in those places of evidence. We propose to discuss and call the Court's attention, if you will, to certain aspects of the case which are self-evident. And then, Your Honor, we'd like to reserve the possibility of a future hearing within the next two, three days to supplement that proffer with any further evidence that is related [14] to those pieces so we have a record in this matter.

THE COURT: Let's proceed with what proffer you wish to make.

MR. LIPMAN: If Your Honor please—

MS. BRIMLINE: Your Honor, I would assume since they are proceeding by proffer, they would have no objection to our proceeding by proffer also. Is that correct.

THE COURT: Have you all discussed the proposed evidence?

MR. LIPMAN: No, Your Honor, we have not had a chance to discuss it.

THE COURT: Why don't you discuss this evidence. That way, we can see if there is any objection to the proffer.

MS. PARSONS: Your Honor, the evidence that we are proposing is, I believe, already entirely part of the file.

THE COURT: That might be true, but you ought to give them the opportunity to see the information in advance to its presentation to the Court. You may want to step outside for a few moments. Do you have written documents?

MS. PARSONS: We have copies of the [15] documents we are going to refer to.

THE COURT: Show all that to the attorneys as well. Why don't you step outside and discuss these issues.

(Recess)

THE COURT: You now have had the opportunity to discuss this matter among yourselves?

MS. LIPMAN: Yes, Your Honor, we have.

THE COURT: Is the proffer going to be presented?

MS. LIPMAN: Yes, sir, it is.

THE COURT: Is that agreed to by the parties?

MS. BRIMLINE: If my understanding of the proffer is correct, it is agreeable to the Department.

THE COURT: If there is an incorrect understanding, I'm sure you will step forward.

MS. BRIMLINE: Yes, Your Honor.

THE COURT: Mr. Mervis or Miss Watts, is it same for you?

MR. MERVIS: Yes.

THE COURT: All right. Proceed.

MR. LIPMAN: Thank you, Your Honor. If [16] Your Honor please, our first proffer, and I am using the term proffer in terms of a stipulation—

(Discussion off the record.)

MR. LIPMAN: Your Honor, let me back up one second and give my own definition of the word proffer. If Your Honor please, we understand we are here making an assertion of the Fifth Amendment and Article 22 of the Declaration of Rights on behalf of our client.

We intend that assertion and argue that assertion precludes the Court from continuing the contempt in this case. We are offering these statements that we will make, stipulations, and these documents that we will introduce as evidence as to the reasonableness of our assertion of the

Fifth Amendment rights and Article 22 of the Maryland Declaration of Rights. I just wanted to make it crystal clear what we were attempting to do at this point by offering these statements and these documents.

Our first stipulation, if you will, or proffer, is that as of 2:45 today, all counsel spoke with Michael Glushakow who is a senior Assistant State's Attorney in the Baltimore City [17] State's Attorney's Office and is assigned to the Violent Crimes Division of that office. That the Violent Crimes Division of the State's Attorney's Office is the office which assists the police in the investigation of violent crimes, murders, and other violent crimes and of course prosecutes some of those cases. That Mr. Glushakow indicated that he would not at this time offer immunity to Miss Bouknight. Whether that is called transactional immunity, use immunity or derivative immunity and that it is the position of the Baltimore State's Attorney's Office at this time is they would not offer immunity of Miss Bouknight from any future prosecution. That we understand is stipulated between the parties.

The second request is that on this motion, you take into consideration the testimony that took place on Friday, the 13th, last Friday in this courtroom.

THE COURT: That was the testimony presented by a sergeant of the Baltimore City Police?

MS. LIPMAN: Yes, Sergeant Robert Dean, it is my understanding, is the police officer, and the entire testimony of Sergeant Dean in this [18] matter. Your Honor, we would then introduce and we have given copies as Miss Bouknight's Exhibit 1 in this matter the juvenile petition dated 11-12-87, petition 87804202, which we understand is also of course in this court record now, but we would introduce it as Defendant's Exhibit 1 for this motion, a Stipulation, which is simply entitled stipulation which we understand is the stipulation dated 5-19-87 in this case as it first appeared in juvenile court.

The second stipulation dated 8-18-87 with the same case number is our next exhibit. The motion for contempt and petition for issuance of an order of show cause which is, I do not have the date, but it is petition for contempt that has caused this contempt action to take place filed by the Department of Social Services.

A report of April 28, 1988 by Jonas Rappaport, chief medical officer of the Circuit Court for Baltimore City, the police flier which I think was Exhibit 1 on the hearing of last Friday which is the missing persons flier on Maurice Miles is our next exhibit if Your Honor please.

We have as our next exhibit and is the [19] agreed between the parties the entire record, not just the three pages that we will give to Your Honor, be admitted into evidence, and we have no objection to that. But what we have xeroxed now is three pages, pages six, seven, and nine of a progress report in this case authored by a Department of Social Services social worker.

MS. BRIMLINE: I would just say the Department has submitted that full report to the Court and there should be a copy in the court record which will take care of the xeroxed copy.

THE COURT: There is a report in here dated May 13, 1988.

MS. BRIMLINE: Yes, Your Honor.

MR. LIPMAN: That is the correct report, Your Honor.

THE COURT: It is twelve pages in length?

MS. LIPMAN: That's our understanding, Your Honor.

MS. BRIMLINE: Yes, Your Honor.

THE COURT: We'll have the original report in the Court file and we'll mark that as Mother's Exhibit No. 7.

MR. LIPMAN: And, Your Honor, as Miss [20] Bouknight's Exhibit No. 8, an article from the Baltimore Sun-

papers which is not dated but we would proffer to the Court was from Thursday, May 12, the Sunpapers, the morning Sunpapers, if Your Honor please. And we will ask regarding those articles that we be allowed to supplement the record with further newspaper articles which, unfortunately, just this morning, we didn't have available for xeroxing. But there are other newspaper and press article that we wish to supplement the record with. And further, Your Honor, we may ask to submit more evidence, but at this point, that is our proffered document.

THE COURT: Is this proffer agreed to by the parties?

MS. BRIMLINE: Yes, Your Honor, but I think there is a date wrong in terms of the newspaper article. I just looked very quickly at it, but I thought it was the one.

MR. LIPMAN: It is not well xeroxed, Your Honor.

MS. BRIMLINE: This is from May 16th.

MR. LIPMAN: I stand corrected, Your Honor.

MS. BRIMLINE: And I believe it is the [21] Evening Sunpaper.

THE COURT: Stipulated to by the attorneys for the Respondent?

MR. MERVIS: Yes, it is, Your Honor.

THE COURT: Proceed, Mr. Lipman.

MR. LIPMAN: Yes, Your Honor.

MS. BRIMLINE: Excuse me, Your Honor, the only thing I would have a problem with in terms of this proffer is future newspaper articles which there is no way of knowing in advance what they may or may not say.

THE COURT: We will have to consider those as the issue arises.

MS. BRIMLINE: Thank you, Your Honor.

MR. LIPMAN: If Your Honor please, in terms of the particular documents, I would ask at this time if Mrs. Parsons could or would be allowed to list to the Court various pieces of some of those documents which we find particularly relevant to this motion and call to the Court's attention.

THE COURT: Mr. Lipman, I do not want to interfere with anything that you are trying to do. But what you want the record to show is that your client is being required or asked to tell where [22] the whereabouts of her son.

MR. LIPMAN: That's correct.

THE COURT: She asserts her Fifth Amendment rights and also the rights guaranteed to her by the Maryland Declaration of Rights to not be required to give any comment, either oral or through a nonverbal communication—

MR. LIPMAN: That's correct.

THE COURT: —that would in any way incriminate her. She does not assert she has committed a crime, but she still stands on the rights guaranteed her by the Constitution and the Declaration of Rights.

You also want the record to reflect that she is under an order of protective supervision. She has been given custody of the child, and now she is being interrogated or questioned by various members of law enforcement agencies as well as perhaps even the Court on the whereabouts of the child.

You also want the record to show that your client is under an order of this court to remain in the custody of the warden of the Women's Detention Center of the Baltimore City Jail until such time as she purges herself of the contempt [23] citation issues in this matter. Am I correct?

MS. LIPMAN: Yes, Your Honor, certainly as to all of those factors.

THE COURT: Is there anything else we need to add into the record so that we can go on?

MS. LIPMAN: We can add one finding of law, Your Honor, if Your Honor is so inclined at this point, that she is reasonable in her assertion of the Fifth Amendment right, that if she answers the questions propounded by any law enforcement officials, if she were to disclose to the Court or to any any statement regarding the whereabouts of the child, or if she were to by any physical gesture point out or ride with any person or in anyone way go physically to bring back the child to to physically point out the child, that would be an answer which might be dangerous because injurious disclosure could result, that it is reasonable for her under the circumstances to assert the Fifth Amendment. In other words, it is a valid assertion of the Fifth Amendment under the circumstances of the case.

THE COURT: One of the problems that a witness always confronts in a situation that may not be totally identical to this one but where [24] there is concurrent jurisdiction of both a Child in Need of Assistance proceeding and a criminal proceeding is what they are going to do. Typically, in these kinds of cases, CINA proceedings move on a faster track than a criminal prosecution.

At some point in the CINA proceedings usually end up in court prior to the criminal proceedings. That is more likely a function of the rules of court which say we have to hold a hearing within 30 days or 60 days of the time the parties receive notice of the pendency of the matter.

The parent is a party. The parent may also be the subject of a criminal investigation, probably even an indictment or other charge in the process. At some point, in a CINA proceeding, a parent is given an opportunity

to decide if they wish to present any evidence. That evidence could be their own testimony. It is a choice they have to make.

MS. PARSONS: Your Honor, what we are dealing with is a finding of contempt, a jailing of our client with an opportunity to purge herself. We're saying that her opportunity is not [25] an option because it requires her to give up her Fifth Amendment right which we're hereby asserting.

THE COURT: I understand that. I want to make sure that the record is understood. What I am saying to you, Mr. Lipman, is I am not prepared to accept that final piece at this time. Number one, I want to research the law that you say is present. I don't think it is appropriate for me to make a finding of fact in the course of this hearing on an issue that may be a question of law.

MR. LIPMAN: I understand. Your Honor, I am not asking you to make the ultimate decision. I am asking you to make an interim decision, namely, that the answers to the questions have a tendency to incriminate her.

THE COURT: All right.

MR. LIPMAN: So, that way, to be quite frank, what I am trying to establish through all of these documents is that there is a real life potential harm of criminal prosecution out there and a finding of fact that that is indeed what's going on, that there is that potential is where I am. In other words, to quote the language of [26] Richardson v. State, that it is not therefore perfectly clear that the Appellant's answers could not possibly have a tendency to incriminate him.

I am at that factual posture now in this hearing. And when I am introducing all those documents, it is to show that is real, that there is a real possibility of incrimination. There are subsequent legal questions that certainly follow from that finding of fact, what do we do with the con-

tempt. I understand that. But I am there for that finding of fact so that we preserve a record so no one comes around back and says, oh, wait a minute, there wasn't a real danger here. They were just willy-nilly asserting that privilege. I want to be sure I am under that line to be quite frank with you. That is where I am.

THE COURT: All right.

MS. BRIMLINE: Your Honor, I don't think it is reasonable to assert the Fifth Amendment protection in this case because certainly the mother's attorneys could reveal the location of the child and thus she could purge without making a gesture, saying any words, answering any questions and certainly, that could not be used against her in any kind of criminal [27] case.

Secondly, although Mr. Glushakow did say he would not offer immunity at this time, he also said that was pretty much open to discussion, that DSS could at any time get in touch with him and it could be discussed. So, when it is proffered that he is not offering any kind of immunity, that is at the moment and also because there is no criminal action pending at this time.

THE COURT: Okay.

MR. MERVIS: Your Honor, I strongly disagree with Mr. Lipman's statement, that now is the time for this court to issue a finding of fact of the possible incriminating nature of the actions for which Miss Bouknight is subject to contempt. I believe that that is a legal decision that this court can only make after first determining the possible applicability of the Fifth Amendment to these proceedings.

I personally do not believe that the Fifth Amendment is at all applicable by virtue of, a, the subject matter, that is, that Miss Bouknight is refusing to reveal, number one; number two, by virtue of the limited nature of this court's request or order of Miss Bouknight, [28] i.e., to produce

the child; number three, by virtue of Ms. Brimline is pointing out arrange intermediate steps Miss Bouknight can take without incriminating herself and yet satisfying this court order; and finally, the distinctions that the Fifth Amendment applies to differing proceedings, be they civil or criminal. And I think all those issues must be looked at very carefully by this court before any finding is made as to whether Miss Bouknight is in danger of incriminating herself.

THE COURT: Thank you. The Court is inclined to agree with counsel for respondent. We will at this juncture, it will not release its finding of contempt nor release the mother from the requirements issued previously by this court to produce the child.

In the Court's view, there are many ways this can be done far short of the incriminating aspect of her in any way violating the protection afforded by the Fifth Amendment. We will allow you the opportunity to submit any memoranda that you think appropriate for the Court to consider. We would give you a schedule of a week to produce this information and share it with [29] all counsel.

MR. LIPMAN: Your Honor, let me back up one second if I can. Again, I want to make and I can make it in terms of a written proffer outlining all the documents we have sent as to why we feel that the criminal dangers are there.

THE COURT: No, I am not interested in that. What I am interested in is your position on the present status of the law. And I want that from the attorneys for the Department of Social Services and from the respondent.

MR. LIPMAN: Your Honor—

THE COURT: In the meantime, I will not lift the finding of contempt from these types of proceedings. What can lift it still is the production of the child.

MR. LIPMAN: Your Honor, I want to ask one question. How is she to produce the child if she is locked up in jail?

THE COURT: That is a decision that she makes. I don't have any idea where the child is or under what circumstances the child is living. Someone may become aware of Miss Bouknight's plight and produce the child. That would purge her of contempt of this court. In the [30] meantime, the only way, the only way to obtain the location of this child is for this court to issue an order to require that person who is charged with the responsibility for the care of that child to bring him forward. She can do that either through agents, representatives, or directly. In the meantime, the order will stand pending the receipt of memoranda from the lawyers and a review by the court.

MS. PARSONS: Your Honor, in order to do that, Miss Bouknight has to incriminate herself in some way. Then Your Honor's order shouldn't stand and the contempt shouldn't stand and she should not be held in jail even one day longer if her only avenue out, her only window is perhaps to incriminate herself. And that is why we're here today to raise her right not to incriminate herself.

We're not saying she would have to do that if she were to purge herself but she might. The possibility exists. And that is all the law requires. And that's why we're here today. And we would like some opportunity which the law again requires a showing of the reasonableness of her perception of danger and her decision through her [31] counsel to assert this right.

THE COURT: Assuming arguendo that the perception of reasonableness is present, the Court does not believe is dispositive of the issue. We will continue it, but we will at least research it and give you the opportunity to supplement what you are presenting here and for the lawyers for the other side who have just been presented with this to present it.

What you are asking the Court to do is to rule on your simple statements. I don't mean in the jargon sense, but this is what should happen without giving the attorneys for the other side the opportunity, who have received this information this afternoon, to respond. That's not reasonable.

MR. LIPMAN: Your Honor, I understand. And what we are simply—let me break it into a few points. One is we want to make our factual proffer since we can certainly do it in writing.

THE COURT: I think you've done that.

MR. LIPMAN: I think we've done that and all the indicia criminality, if you will.

Secondly, we sense a time problem, quite frankly, which may or may not be true. On [32] April 20 is when Judge Angeletti signed a Show Cause Order. The first sets of hearings in this case were the 27th and the 28th.

If Your Honor please, we are also looking for when a final judgment, if you will, could take place. What we would ask, if Your Honor please, we can prepare this memorandum and get it to counsel by tomorrow in great detail and get it to Your Honor. What we would like to do is see if they would have an opportunity to review it tomorrow and if we could come back on Friday to clarify the matter rather than a week so that there is absolutely no problem, and nobody starts asserting that we're 32 days or something like that. I don't see that as a real problem, but I want to be very careful about it.

THE COURT: The finding of contempt was issued either on the 27th or the 28th. It depends on the docket entries. I believe the initial hearing was on the 27th. Mr. Hines was present to represent Miss Bouknight because Mrs. Parsons was not available.

If I recall correctly, she was arrested by the police some time in the afternoon of the 27th or late morning of the

27th and was produced [33] in court. By the time we produced the lawyers, and I'm not sure if Ms. Brimline was here for the Department, by the time we assembled all the lawyers, it was the latter part of the day on the 27th. At the time we continued the matter to the 28th, and the final finding was issued on the 28th.

On the 27th, Miss Bouknight did reveal an application for child location, and that was in Dallas, Texas. The police checked it overnight, found the information was not correct and at that point, on the 28th, the Court when given this information issued a finding of contempt. If anything, your operable date is the 28th of April.

MR. LIPMAN: I appreciate that clarification, Your Honor.

THE COURT: I understand this court in this matter, and I am glad this is so, is not the final word in this matter. This is a very important question that you present for determination.

MR. LIPMAN: And I don't in any way assume anything besides just giving Your Honor those time frames. I certainly want Your Honor's decision to be fully informed.

[34] THE COURT: I know that, and I know you would like to have a decision by the Court that is favorable to you but in case you are not, you would like to know that the road to Annapolis is still available.

MR. LIPMAN: Yes.

THE COURT: The other problem would as well.

MS. BRIMLINE: I have a problem with the time frame Mr. Lipman has outlined.

THE COURT: Given the time he is outlining, it was assuming that the 20th was an operable day. The operable day is the 31st of May. If the 30th day would be the 28th, that's a Saturday. The courts are closed Monday, the 30th.

That's Memorial Day. The 31st would be the next available day after the 28th. And counting as I recall counting, perhaps I'm incorrect, the final day would be the 31st. Even if it is not, the final day would be the 27th which is a Friday. That's ten days from today or nine days from today's date. I don't think that is unreasonable in a case of this magnitude.

MR. LIPMAN: I do not either, Your Honor.

[35] THE COURT: I would therefore think you would be able to have something to the Court's attention by Wednesday, the 25th.

MR. LIPMAN: No problem, Your Honor.

MS. PARSONS: I would like to just add one thing to what Mr. Lipman has said.

THE COURT: Well, are you going to supplement the facts? I want to talk about dates right now.

MS. PARSONS: All right.

MS. BRIMLINE: Mr. Lipman is filing a memo. Does that mean we also have that same date of the 31st?

THE COURT: Yes. I think you ought to have the same date. The issue is the status of the law. He has given you the cases he is going to rely upon. Work with that. Is that all right with you, Mr. Mervis?

MR. MERVIS: Yes.

MR. LIPMAN: We'll have a memo in a few days, Your Honor, and a hearing in the middle of next week, given all those time frames is fine for Your Honor's ruling and our further offer of whatever we think is necessary in terms of testimony.

[36] THE COURT: We would strongly urge you to get whatever you are going to prepare in as soon as possible so the other attorneys would have an understanding of what they can respond to.

MR. LIPMAN: Yes, Your Honor.

THE COURT: Now, we can go on with testimony regarding the status in the handling of this case?

MS. PARSONS: Excuse me, I have one thing if I might.

THE COURT: Yes.

MS. PARSONS: Your Honor, Miss Bouknight can raise her right at any time and she is doing that today. She is not required to wait for this protection until memos are submitted to the Court. We would ask that she be granted this protection today at the time she is asking for it. And it is still our contention that if this protection is granted to her, the contempt no longer lies.

THE COURT: All right. I thought we had resolved that. I am not going to move on that.

MR. LIPMAN: I understand, Your Honor. We want her released but we understand the Court's [37] need to research, and we understand the other parties' need to research. We understand the gravity of the situation.

THE COURT: I am not going to release this lady under the order of contempt. Ms. Brimline?

MS. BRIMLINE: At this time, I'd like to request a postponement of the review case for several different reasons.

THE COURT: I thought we ruled on this yesterday.

MS. BRIMLINE: Well, we did.

THE COURT: Why are we raising it again? Or are you doing it just to make sure the record is clear?

MS. BRIMLINE: Well actually, I think perhaps I didn't argue fully yesterday. Since there was no one else present and no one else was objecting, perhaps I thought—

THE COURT: Even without their objections, I have denied the request for a postponement.

MS. BRIMLINE: Yes, Your Honor, I notice that, which is why I am back here again requesting a postponement of the review. [38] First of all, I'd like to request that Dr. Eisenberg be summoned. We did request he be summoned for the review hearing. However, for whatever reason, the Clerk's Office did not issue a summons to Dr. Eisenberg. Dr. Eisenberg is the last psychologist to evaluate, to give a complete evaluation to Miss Bouknight and I feel it is very important he be here to testify.

THE COURT: We can begin the hearing and if necessary to continue it to receive his testimony, that can be done.

MS. BRIMLINE: All right. Secondly, I would like to request that Miss Bouknight again receive another psychiatric and psychological evaluation pending this review hearing.

THE COURT: What does that have to do with the handling of this case? From September to April?

MS. BRIMLINE: I think that—I'm sorry, in handling the case?

THE COURT: Yes.

MS. BRIMLINE: How do you mean?

THE COURT: We're talking about a review. What has happened with this case since the time of the last hearing in court on the [39] issues which was August 1987 until today?

MS. BRIMLINE: I think the biggest thing that has happened is, number one, the child has disappeared and number two, the mother is failing totally to cooperate with the Department of Social Services. I think those are the two biggest changes.

I think the mother's reason for not cooperating perhaps could be ascertained by a psychological or psychiatric eval-

uation. While it is true the Department's request was granted a psychiatric evaluation of the mother by Dr. Rappaport on the 28th, I believe it was, I think those, the issues answered by Dr. Rappaport's report were very limited, just as to her ability to comprehend what was going on in court and to assist her attorney in defending on the contempt charge.

He also addressed the issue of whether the mother was a threat to herself or others, and he says she wasn't, but he specically excluded whether or not she was a threat to the child, Maurice Miles, at this time. And I think at this point, in terms of a review, with everything that's happened with the mother and the child [40] having been missing for so long, I think it is absolutely vital that the mother be evaluated again.

THE COURT: What is your next reason?

MS. BRIMLINE: The late hour, Your Honor.

THE COURT: Mr. Mervis and Miss Watts?

MR. MERVIS: Your Honor, while being sympathetic to Ms. Brimline's plight and the fact that it is difficult to review a case when the respondent of that case is not in physical or in speculative presence of this court, we have no problems with the case going forward and having the issues entered at this point.

THE COURT: Mrs. Parsons or Mr. Lipman?

MS. PARSONS: Yes, we would support the Department's request for a postponement or a continuance, whatever it can be called. I on my client's behalf would like to wait for a decision by the Court on the issue we've raised regarding the Fifth Amendment. We continue have a child at the moment. We may have one in a few days, and I would certainly appreciate the opportunity for our memos and for a decision on her right to be decided upon before we go forward at this juncture [41] with a review of this case.

I don't think anything is to be gained and certainly not, nor is it in the best interest of the child to proceed today on a review. I think there are other things that need to be settled first before we can have a full and fair review on the issues.

MS. BRIMLINE: Your Honor, just one additional thing too. At this point, we don't know whether the child is even alive. And I think that to proceed with a review hearing at this point not even knowing whether the child exists anymore, that it would be advantageous to wait to see if the mother does have a change of heart to produce the child or if someone else produces the child and wait to decide the child's fate when we are certain that he still exists.

THE COURT: The request for continuance is denied.

MS. BRIMLINE: Your Honor, I would like to have introduced into evidence the psychological report of Dr. Joseph Eisenberg that was compiled prior to the dispositional hearing and was in fact ordered by Master Joyce Mitchell for the dispositional hearing.

[42] THE COURT: Let's stop there.

MS. PARSONS: Objection.

THE COURT: What's the problem?

MS. PARSONS: I am objecting to her introducing Dr. Eisenberg's report.

THE COURT: Why?

MS. PARSONS: Because it is hearsay and because there is no chain of custody. There is no foundation. There is no, it is hearsay and I would request that Dr. Eisenberg be here to be cross-examined regarding his report.

THE COURT: This is a review. The Court will overrule the objection. Let's stop there with Dr. Eisenberg's report. What is the date of that report?

MS. BRIMLINE: The date of the report is, the date of the evaluation was July 27, 1987.

THE COURT: Was that report known to the Court at the time of the August 19 disposition?

MS. BRIMLINE: Your Honor, I cannot say for certain whether it was known to the Court or not. I know the mother's attorney was ordered to arrange a psychological evaluation for the mother and that she was to provide the Court and all [43] counsel with copies of that evaluation prior to disposition. When the case first came in for disposition on 7-17-87, the disposition was postponed at that time because the psychological was not completed. When the case came in on 8-18-87 for disposition, the parties went forward by stipulation.

So, I am not sure whether any of the parties actually saw the written evaluation, whether, I'm not sure what knowledge any of the parties had, and I certainly don't know whether the Court was aware of what was contained in the disposition.

THE COURT: The written report was not available, you say?

MS. BRIMLINE: As far as I know, the written report was not available. It was not available to the Department of Social Services. We did not receive a written copy of it until September 8, 1987 which was long after the disposition.

THE COURT: Did anyone know the contents of the report at the time of the disposition on August 17?

MS. BRIMLINE: I'm not sure to what [44] extent every person knew the contents.

THE COURT: I didn't say every person. I said did anyone.

MS. BRIMLINE: I do know that the DSS attorney knew it was extremely negative because there was no legal file.

THE COURT: What did your agency do with the report once it received it in September 1987?

MS. BRIMLINE: What did we do with it in terms of what, Your Honor?

THE COURT: What did you do with it in terms of the contents of that report, vis-a-vis the Court?

MS. BRIMLINE: Nothing, Your Honor.

THE COURT: Can we discuss that for a moment, please?

MS. BRIMLINE: Certainly.

THE COURT: That report is extremely negative for the ability of this mother to act as a parent and guardian for the child. Why was there no request for a review?

MS. BRIMLINE: I am not certain, Your Honor, why there was no request for a review.

THE COURT: That's one of the things [45] the Court wants to talk about.

MS. BRIMLINE: Well, I am willing to talk about it in as far as the information I know.

THE COURT: I want the record to reflect what happened in that situation.

MS. BRIMLINE: Okay. I think in a situation like this, where the report was received, it would have been received by the Protective Services case worker. As I said, it was not received until September 8.

THE COURT: That's the date that is stamped on your copy?

MS. BRIMLINE: This is the date stamped on the Protective Services copy. So, that's when Protective Services received it, and I would assume, although it is always dangerous to assume, that the PS worker received it at least within a day or so. I would suppose that probably

your question is why didn't the Department file an immediate review petition.

THE COURT: That's what I asked.

MS. BRIMLINE: I think that one has to look at the entire situation at DSS to know the answer to that in terms of caseloads by the Protective Services workers, not just this worker [46] in particular but all case workers at DSS Protective Services, foster care workers.

In terms of Protective Services caseloads, especially, there are demands that are placed on those workers that are not placed on workers in other services in terms of dangerousness to children, in terms of making home visits, emergencies arising, that sort of thing.

So, I think that a worker, upon receiving this evaluation, it certainly is, as the Court said, very negative. In fact I would even go so far as to say damaging in terms of the mother's ability to care for this child. But at the same time, a PS worker also might have as many as 80 other cases with the same priority listing as this particular case where the danger to those other 80 children or perhaps more than 80 children, 80 families, is just as great.

THE COURT: You are a lawyer, aren't you, Ms. Brimline?

MS. BRIMLINE: Yes, Your Honor.

THE COURT: You are subject to the grievance process, aren't you?

MS. BRIMLINE: Yes, Your Honor.

THE COURT: You know the answer that [47] the courts give to lawyers, busy lawyers, when they blow the Statute of Limitations on a particular case, don't you?

MS. BRIMLINE: Yes, Your Honor.

THE COURT: What is that answer?

MS. BRIMLINE: Tough.

THE COURT: That's exactly correct. The fact that you are busy or have a heavy caseload is no justification for the dimunition of the rights and privileges of your client.

MS. BRIMLINE: Your Honor, I don't think that is what I am saying. What I am saying is there has to be a balancing. This child's life is extremely important to the Department as is every other child that we have a court order on or every other child where we're not even involved in court or where we have Protective Services cases open.

Every time we get a record, every child is equally important, every child's life. To say that everything should have been dropped so this worker could come and file a review petition on a certain day, I think, is asking for a degree of exceptionalness, if there is such a word.

THE COURT: No, we are not, Ms. [48] Brimline. This court is very much aware of the extraordinary conditions under which social workers have to labor in an urban community. If it had been filed on the 10th, the 15th, the 25th, or the 1st of October, we surely would have been sympathetic. For this report to not reach the Court in any fashion until the 20th of April, 1988 is unconscienable.

MS. BRIMLINE: Your Honor, I am not sure the report didn't reach the attention of the court prior to that date. I don't know whether the report was ever—as I said, the attorney for the mother was ordered to provide the Court with a copy.

THE COURT: It was never provided by anyone.

MS. PARSONS: Your Honor—

THE COURT: I'm going to get to you all in a minute. It was not provided by anyone until the 20th of April 1988. When you take on a responsibility, a certain amount

of reasonableness goes with that responsibility. When it hasn't been carried in order, all sorts of problems arise.

MS. BRIMLINE: Your Honor, I think the [49] word reasonable is the key in this entire case. I think the Department has acted reasonably in this case.

THE COURT: Far from it in the Court's opinion, Ms. Brimline.

MS. BRIMLINE: Well, I think the Court is not aware of all the facts in the case.

THE COURT: You are given the opportunity to present them right now. Don't look at the clock, Ms. Brimline. I have no place to go, and I am not in a hurry to get there.

MS. BRIMLINE: I was just thinking in terms of the air conditioning going off at 5 o'clock.

THE COURT: We have fans.

MS. BRIMLINE: If the Court is seriously interested in knowing—

THE COURT: I'm as serious as a heart attack, Ms. Brimline. I have concerns about this matter that include the Court's performance in this case. The docket entries in this matter indicate that on July 17, 1987, the child was placed under an order of shelter care to Baltimore City Department of Social Services to be specifically placed in the home of the mother.

[50] Quoting from what the clerk placed on the docket, "Order of shelter care with mother. If psychological reveals that the child would be at risk, pending the hearing, child shall be placed." That's the notice to everyone, the Court included, that something is out there that we should perhaps be aware of.

I am also concerned that if lawyers had notice of this document and did not produce it, they may have committed

ethical violations along with endangering the child. I want to talk about these things. And yes, I am very serious.

MS. BRIMLINE: All right. Well then since you are saying you are very serious about wanting to know the entire story about what the Department's responsibility and reaction to the report and other situations, I am sure, again, I would ask for a postponement so we can have the necessary witnesses here and also that personnel for the Department of Social Services can be present and prepared to outline exactly what efforts were made specifically in this case but also what hindrances, what drawbacks, what caseload problems are also present.

I think if you are going to look at the [51] one thing in terms of the Department's performance in this case, you must also look at the hurdles that the Department has to overcome in order to do what the Court orders us to do. And I think to look at one without looking at the other would be grossly unfair.

THE COURT: Who do you want to be here, Ms. Brimline?

MS. BRIMLINE: I would like Dr. Eisenberg to be here. I would like everyone who was here this morning in terms of the Department director, Ira Johnson, I would want Mrs. Marks, I would like to have all of them here so they can explain on the various levels how this situation arose.

THE COURT: Is there anyone else?

MS. BRIMLINE: At the moment, I can't think of anyone else except perhaps the therapist from the Family and Children. The Department made a referral for this mother to be seen by a therapist at the Family and Children Society. I would think that her input would be very necessary; also the therapist who worked with the mother for a while from if University of Maryland Infant Study Program. I think also the parent aid [52] who has been in-

volved in the case and in fact was the last person from The Department of Social Services to see the child.

I think the foster care worker, if we are going to do a review of this case and what has happened since the last hearing and in fact even from before the last hearing, since it would have to go from the time the child was returned home, I think all of these people need to be here.

Now, whether they, at that point, would be willing to testify is another issue. But in terms of representing the Department of Social Services—

THE COURT: Why wouldn't they be willing to testify?

MS. BRIMLINE: I think that in terms of—the Court is raising some issues about responsibility in this case. And the Court must be aware also that there is also a possibility of criminal liability in any kind of case like this.

So, I think that whether people from the agency want to testify, they are going to have to be advised of their rights in terms of criminal liability. But at this point, those are the people that I would be thinking of in terms of [53] calling for a review hearing. And I think if the Court truly is interested in knowing the entire story, I think all of that should be on the record.

THE COURT: Miss Watts, Mr. Mervis, what did your agency know about these reports?

MR. MERVIS: Your Honor, we have spoken to the attorney who handled the case at the time who is no longer employed with our agency. He has told us that he knew of Dr. Eisenberg's general recommendation against the return home at the time of the disposition hearing but that he did not have a copy of the report. He does not recall, actually, I should change that, I did not ask him when he received a copy of the report. There is one in the file that was sent by the Department of Social Services, and it has their stamp on it.

THE COURT: Did you all ever receive a copy of the report?

MR. MERVIS: From the Department.

THE COURT: When?

MR. MERVIS: That I don't know.

THE COURT: Was it prior to the proceedings in April?

MR. MERVIS: I believe it was, Your [54] Honor.

MS. BRIMLINE: Your Honor, I believe it wasn't.

MR. MERVIS: No?

MS. BRIMLINE: I don't believe so.

MR. MERVIS: Miss Watts and I didn't handle the case.

THE COURT: I know that.

MR. MERVIS: And that specific fact, I did not discuss with the previous attorney. My involvement in this case has only begun in the last two, three days, since Friday, Your Honor. So, I am still piecing together the chronology myself at this point.

I can tell this court that the entire agency is very upset over what has happened and is currently looking inward to take steps to make sure that it does not happen again, and that we as an agency will be reviewing all Protective Services recommendations to ensure that they are appropriate and that we as an agency can provide the type of monitoring that dangerous cases require. And those discussion are already, have already been held Monday and Tuesday and are ongoing. But we share the Court' deep concern and [55] cannot offer this court at this point satisfactory explanation as to what happened on my part.

THE COURT: Mrs. Parsons or Mr. Lipman?

MS. PARSONS: Your Honor, I was handling this case from the beginning, and I do recall that all attorneys on

this case were aware as the other parties have indicated of the negative nature of the doctor's comments. I saw the report of Dr. Eisenberg for the first time a few minutes ago in the hall. I never did receive it from the Department of Social Services.

MS. BRIMLINE: Excuse me, Your Honor. It is not the Department's responsibility to provide her with a copy.

THE COURT: Have a seat, Ms. Brimline.

MS. PARSONS: I just said I never saw it, I have not received it to this day.

THE COURT: Ms. Brimline indicates that the report was ordered at the request of, through your agency.

MS. PARSONS: No, sir.

THE COURT: Your office never made the request of the production?

MS. PARSONS: Not to my knowledge.

MS. BRIMLINE: Your Honor, the Public [56] Defender, now speaking with the Court, in fact, called Family and Children's to arrange for this referral to be made for the evaluation. In fact, it was a mixup, and that's why the original disposition had to be postponed because originally, she was to be evaluated at Phips. However, Phips was not prepared to evaluate her.

I can't remember what the reason was now, but at that point, Mrs. Parsons was very much involved in terms of talking with Family and Children's therapist to have the evaluation done, and she was court ordered to produce that evaluation.

MS. PARSONS: I was not court ordered. May I continue?

THE COURT: Yes, please.

MS. PARSONS: Thank you.

THE COURT: You are all aware that Dr. Smith is in the courtroom even though Dr. Eisenberg isn't here. Doctor Smith is his associate, partner. Is that correct, Dr. Smith?

DR. FROST: I'm Dr. Frost.

THE COURT: I'm sorry. I apologize.

MS. PARSONS: We were at the time of the disposition of the nature of the comments from [57] the doctor. In spite of that and based, I think, on, well, based on a number of things but particularly on a report from a Ms. Hubbard, and I believe she was with Family and Children's Services—

THE COURT: What report is that? We don't have a copy of that.

MS. PARSONS: Well, I have just this one copy and it is not dated. It says Carol Hubbard, Family and Children Services. And I don't think she works for them any longer. In fact, I think she was leaving and someone was replacing her at the time we had disposition. But her report was very glowing and it described the mother's involvement and eagerness for counseling and her being eagerly engaged in parenting classes, and so on and so forth, cooperation with every suggestion of DSS and her, just her overall conduct in regard to the suggestions that were made and so on.

For whatever reasons, and I don't recall all the reasons why, all counsel entered into and signed a stipulation on 8-18-87. And this was after the report of Dr. Eisenberg or at least his findings were known to us, and in spite [58] of his findings, we entered into the sstipulation that we did.

We all believed and felt and signed the stipulation, the agreement, that, I believe, the mother was capable of taking care of her child, and if we were to review that stip-

ulation today, it would be my contention that we have no indication that she hasn't taken care of this child even today.

As far as my being ordered to provide, to refer for a psychological, I don't recall any such order, and I certainly don't have a copy of any such order in my file. I do remember that, and I have it in my notes, that I was to make a referral for a psychological.

I agreed to do that and I called her counselor, Leslie Morris, and she then took the responsibility for making the referral and frankly, I don't remember what happened with that. But all this referral for psychological and so on was all prior to our agreement at disposition on 8-18-87.

Again my recollection, it has been a year, a little less than a year, I don't recall all the details, but I do know and I have the [59] signed document that in spite of whatever agreements or psychologicals were taken or had or were thought of being needed, we all in spite of it agreed to what we agreed to for–the reasons that we each had to do that. And it is my contention today that decision was reasonable then and it is reasonable to continue the situation today as far as we know it.

THE COURT: Are you prepared to begin a portion of your case this afternoon? Do you have the case worker here?

MS. BRIMLINE: Yes, but that would not be the order that I would necessarily call them in and as I stated, there may be a problem in terms of criminal liability in having them testify. I am not prepared to begin today.

THE COURT: I am.

MS. BRIMLINE: Could I have a few moments?

THE COURT: Yes, we'll take a brief recess while you set the matter up.

(After recess.)

THE COURT: The Court has had the opportunity to speak with all counsel in chambers. During the course of that discussion, counsel all [60] have prevailed upon the Court to reconsider its earlier ruling regarding initiation of testimony in the course of a review proceeding.

The Court has carefully considered the comments made by counsel and accordingly will set off the review. No testimony will be taken in the course of a review at this time. Ms. Brimline representing the Department has also indicated she is going to submit with copies to all counsel the records of the Department of Social Services so they will supplement the Court's file.

MS. BRIMLINE: Yes, Your Honor. I have those right here and in fact am distributing them right now.

THE COURT: If I understand you correctly, these are the records regarding this case as maintained by the Baltimore City Department of Social Services.

MS. BRIMLINE: Yes, Your Honor. They include the Protective Services case of Jacqueline Bouknight, and also the foster care record on Jacqueline Bouknight.

THE COURT: All counsel have received their copies of these documents. The matter of the hearing on the review of the order of [61] protective supervision will be rescheduled by the Court after notice to counsel—excuse me, after consultation with counsel as to an agreed upon date.

We will not do that today. There is the remaining matter of the motions submitted to the Court by the mother. The Court will hold a hearing on those in the morning docket on the 26th of May. We understand that Miss Watts will not be able to be present but Mr. Mervis is going to be present in her stead. All other counsel we anticipate to be available.

MS. PARSONS: Nine o'clock?

THE COURT: In the morning, the morning docket.

MS. BRIMLINE: The Department is available.

THE COURT: If there is no other business of the Court, we will—

MS. BRIMLINE: Yes, Your Honor.

THE COURT: Yes, ma'am?

MS. BRIMLINE: I had asked to offer Dr. Eisenberg's evaluation into evidence, and I don't remember the Court making a ruling.

THE COURT: The Court overruled the [62] objection made by Mrs. Parsons and accepted it.

MS. BRIMLINE: Thank you, Your Honor.

THE COURT: This evaluation was also submitted to The Court as an attachment to one of the pleadings filed in April of this year. Mr. Lipman?

MS. LIPMAN: Yes, Your Honor, we were wondering if the clerk could extend us a bit of administrative kind of convenience, if we could use this room, this courtroom or another room, to talk with our client for about fifteen minutes or so. It might be better than going back to the Lockup. Can we have a room?

THE COURT: If I am not mistaken, she is in the custody of the Baltimore City Jail.

MR. LIPMAN: That's correct.

THE COURT: Who produced her today? Did the Sheriff's Office produce her?

DETECTIVE FRANCIS: Detective Francis from from Baltimore City Police Department.

THE COURT: You produced her today?

DETECTIVE FRANCIS: Through the Lockup. So, she is to go back to the custody of the City Jail Lockup.

THE COURT: We may be able to [63] accommodate that opportunity, Mr. Lipman. We don't know where.

DETECTIVE FRANCIS: However, I won't be able to stand by with her, as I said again, but she is in the custody of the jail. I am going to go out and continue with the leads in this case here.

THE COURT: Okay.

THE COURT: You may be able to have a location in the Lockup of the Courthouse.

MR. LIPMAN: All right. We'll take a look and see if we have that room. I just thought we might have that today. When we go over to the jail, we are afforded the opportunity of a room which is nice.

THE COURT: The only thing we have of a private nature is that back there. We've used it on many occasions, and it has been certified by all levels of law enforcement for the State. Yes, ma'am?

MS. BRIMLINE: There is one other matter, Your Honor, and that is the issue of shelter care pending the review hearing. At the present time, we have a general order of shelter care.

[64] THE COURT: Was there an order of shelter care issued subsequent to the order of protective supervision?

MS. BRIMLINE: Yes.

THE COURT: Who is the master who issued it?

MS. BRIMLINE: Master Price.

THE COURT: When?

MS. BRIMLINE: On April 20th.

THE COURT: What is the position of the parties?

MS. PARSONS: I'd be objecting to it.

MR. MERVIS: Your Honor, no exception was ever filed to that order of shelter care.

THE COURT: It is a new request.

MR. MERVIS: It is a new request, Your Honor. In addition, I think it is appropriate for shelter care to be given since the issue is custody of the respondent. And at this point, since his whereabouts are completely unknown and his mother is not able to care for him, custody should be ordered by this court to reside somewhere.

THE COURT: There is no other relative resource available to care for this child that has [65] been brought to the attention of the Court. The Court will issue an order of shelter care to the Baltimore City Department of Social Services.

MS. BRIMLINE: Thank you, Your Honor.

THE COURT: Are there any other matters to be brought to the attention of the Court? Thank you.

(End of proceedings)

[Baltimore *Sun* article May 12, 1988]

Mother jailed till she reveals whereabouts of 19-month-old son

By Jane A. Smith

A young East Baltimore mother with a history of drug abuse and neglecting her child is in jail and will stay there until she tells authorities where her 19-month-old son is, officials said yesterday.

The woman was found in contempt of court when she and her son failed to appear for a April 20 juvenile hearing in Circuit Court that had been requested by the Department of Social Services.

Authorities found the woman, Jacqueline Bouknight, 21, at her home in the 1700 block of North Washington Street, but her child, Maurice M , was not there. Ms. Bouknight was jailed for refusing to tell authorities where he is, and since then she has told police "conflicting stories" about the whereabouts of her son, sources said.

She told police the child was with a sister in Texas, but authorities there were unable to find him. The sister said the baby was never with her, sources said.

Ms. Bouknight's foster father, John Brown, whom she lives with, said that the case "is as big a mystery to me as it is to the detectives."

"I don't think no harm has come to him, as crazy as she is about that boy. She loves him very much," he said. "You can't reach her. She won't talk to me. I got a lawyer for her, and she wouldn't talk to him."

Mr. Brown, who noted that his foster daughter also has a history of mental problems, said he thinks she's afraid Social Services "will snatch her baby."

The Department of Social Services took the baby away from Ms. Bouknight after he suffered a broken left leg when he was several months old. He was returned to her several months later, Mr. Brown said.

Last August, a juvenile master in Circuit Court determined that the youngster needed to be in the protective supervision of Social Services. The boy was allowed to stay at home with his mother, provided she attend counseling and parenting classes offered by Social Services, sources said.

Last month, when a case worker discovered that Ms. Bouknight was not going to the sessions, he asked Juvenile Master Joyce Mitchell for an emergency review of the case, according to sources.

A hearing was scheduled for April 20, but neither the mother nor her child appeared for it.

A juvenile justice source said Social Services got involved in the family because the department suspected Ms. Bouknight neglected her child. "It was more neglect than abuse," he said.

The boy's father is dead, the victim of a shooting in March.

The Department of Social Services refused to comment on the case.

CIRCUIT COURT FOR BALTIMORE CITY

MAY 26, 1988

[Title omitted in printing]

PROCEEDINGS

[3] MS. BLIMLINE: Good morning. The Department would like to call the case of Maurice M, Case No. 88704202, Marilyn Blimline, representing the Baltimore City Department of Social Services.

MR. MERVIS: Mitchell Mervis, from Legal Aid, on behalf of the respondent Maurice M. I am entering my appearance today as co-counsel in the matter, along with Lisa Watts.

MR. LIPMAN: George Lipman, Assistant Public Defender representing Jacqueline Bouknight.

MS. PARSONS: Robin Parsons, Assistant Public Defender, representing Jacqueline Bouknight.

THE COURT: Counsel, we scheduled this matter for a hearing this morning, for the purpose of reviewing the issue you presented on the 5th Amendment question.

We used the 5th Amendment characterization of the issue, as it is encompassed in Article 22, of the Maryland Declaration of Rights, of the Maryland Constitution. Both speak the same language.

MR. LIPMAN: That's correct. Your Honor.

THE COURT: The Court has read several memoranda.

MR. LIPMAN: If, Your Honor, please, I have 2 preliminary matters, one of which, frankly, Your Honor, did clarify to my understanding at our last meeting, on May 18th.

But since that time, I have had an opportunity to [4] obtain and read the transcripts of the hearings on April

27th and 28th, before Your Honor, and the hearing of April 20th of 1988, before Judge Angeletti.

If, Your Honor, please, my understanding was, I'm sure I'm correct, but my understanding was that the Order of Contempt was entered on the 28th of April, 1988.

When I read the transcript from Judge Angeletti's proceedings and the proceedings on the 27th, there is what I construe as loose language about continuing Judge Angeletti's Order of the 20th.

As, Your Honor, knows, I very much hope for a favorable ruling from, Your Honor, today. In the event that we don't, we may well want to appeal it. I'm worried about the 30 days.

Again, my understanding from the last hearing was that the hearing was continued so there would be an opportunity for these briefs and memorandums, with the understanding that the 28th was the operative day of Your Honor's Order of Contempt. I want to be clear in case some other person starts reading those transcripts, incorrectly, on that issue.

THE COURT: The Court believes that all counsel agree that the 28th was the operative day; is that correct?

MS. BLIMLINE: Yes, Your Honor.

MR. MERVIS: That's the position of our counsel, Your Honor.

THE COURT: Fine.

[5] MR. LIPMAN: The second point is, we attempted, I think, unsuccessfully to summons a witness for today's hearing. That was Detective Tyrone Francis, of the Baltimore City Police Department.

Apparently, through a problem in our office, or a problem in the Clerk's Office, the summons was sent—given to the clerk; but it was never sent to Detective Francis.

I think I can simplify things by proffering what Detective Francis would say. I attempted to get a stipulation from counsel as to this.

THE COURT: We won't proffer anything unless there is a stipulation.

MS. BLIMLINE: There is no stipulation.

MR. MERVIS: That's correct, Your Honor.

MR. LIPMAN: We would ask the Court to issue an immediate summons for Detective Francis to come.

MR. MERVIS: Your Honor, the 2 methods of summons and subpoenaing witnesses to appear before this Court are: One, through the Court and the Sheriff's Office. There, also, are vehicles through personal service, under Rule 1-321.

If, in fact, the sheriff was unable to serve, there has been enough time for the Public Defender to learn of this and ensure that they tried to personally serve Detective Francis themselves, to avoid the this situation.

If, in fact, they want this hearing to go forward [6] before their Appeal Rights expire, they should have done everything in their power to ensure his presence.

MR. LIPMAN: If, Your Honor, please, I would proffer on the 20th, it is stamped from the Clerk's Office, a summons was here. For whatever reason, it was not issued.

THE COURT: Was it here?

THE CLERK: Your Honor, it was filed in 118. It was filed in 118 on the 20th. The section that does the summons received it on 5-23. The hearing was set for 5-26, which is not enough time for them to serve.

MR. MERVIS: I would also like to point out that I have always known and have had the understanding, by the Clerk's Office, that summons that are requested within a

week of the hearing will not be served; and that personal service is the only method of compelling the witness to appear in a shorter time frame.

THE COURT: This is not a rule of the Court, but a procedural directive from the Clerk of the Circuit Court for Baltimore City, that you must give the clerk, 5 working days to issue a subpoena. If you want a subpoena issued, and you are asking for it with less than 5 days to the hearing, you should ask a Judge to sign the subpoena, directing the clerk to issue. Otherwise, they refuse it.

What is it that you think Detective Francis will add to those proceedings?

[7] MR. LIPMAN: Your Honor, I would proffer that Detective Francis will say the following.

MS. BLIMLINE: Objection.

THE COURT: I understand your objection. We would hear the proffer for record purposes only at this point.

MR. LIPMAN: He would testify that that he's a detective, employed by the Baltimore City Police Department; that on or about 12:00, on May 18th, that he assumed custody of Miss Bouknight, from the Lock-Up, on the 1st floor of this courthouse, which is maintained by agents of the Baltimore City Jail; where Miss Bouknight has been committed on Your Honor's Contempt Order.

That he took Miss Bouknight to the 3rd floor Conference Room, of the Violent Crimes Unit, 3rd floor of this courthouse. The Violent Crimes Unit, being an office of the State's Attorneys Office, Baltimore City, that he was speaking with Miss Bouknight, by himself, in the Conference Room of the Violent Crimes Unit of the State's Attorneys Office; that he was interrupted in speaking with Miss Bouknight by myself and stopped speaking with Miss Bouknight.

That if asked: If Miss Bouknight had told you that the child, Maurice M , was across the street from the courthouse would you have kept that information to yourself; or would you or one of your associates have gone across the street, and take physical control of the child, Maurice M ?

[8] He would testify that if Miss Bouknight had so said that, that he would or one of his colleagues would have gone across the street and taken custody of Maurice M .

The relevancy of it, Your Honor, is that an issue presented in the 5th Amendment, whether this is contempt leads to a requirement that she give testimony or speak.

And, Your Honor, by the relevancy of it, in fact, this Court Order became a mechanism, whereby, she was, in fact, taken out of the Baltimore City Jail; taken to the police, to an agency of the State's Attorneys office, interviewed by a detective, who would have acted to seize—and I use that word loosely—to take custody of the child, were she to have given him information as to the whereabouts of the child.

THE COURT: Obviously, that lends support to the argument you present, which is, that your client is in peril of having her 5th Amendment Rights abridged.

MR. LIPMAN: To a point of a peril.

THE COURT: The Court's problem with your whole presentation, even if we assume that the limitations that you place is in her mind, that did not support the issue before the Court. The respondent has many ways of purging contempt. You want to limit this to only testimony.

Aren't there other ways she could act to free herself of her predictament?

Suppose Maurice M , assuming capability, walked into [9] the courtroom at this very moment, would that not satisfy this Court's Order of Contempt against the mother?

MR. LIPMAN: Your Honor, let me back up one second and then I will answer Your Honor's question.

My point is: It did through the risk, the fear of harm that Miss Bouknight has. The second point is: It shows what's happening in the case.

THE COURT: It also shows the risk on the part of the persecuting agency of the State. If they know that this woman has counsel, continue to question her, without the presence of counsel, they have precious little to stand on, if a statement is obtained. That's their peril, though.

MR. LIPMAN: My main point on this is not the 6th Amendment. My main point on this is, however phrased—what's going on here in this case is that people are trying to probe into Miss Bouknight's mind, trying to ask her, where is Maurice M doing it in a very assertive way. And that is what's going on here.

THE COURT: That's the police department.

MR. LIPMAN: However it is phrased.

THE COURT: That's the police department.

This Court, sitting as a Juvenile Court, has jurisdiction over Maurice M. It has issued a directive for Maurice Miles to be present in court. It has also issued an Order to the last custodian of Maurice m to produce that [10] child in court. That act has not been done.

The contempt is issued not because she refuses to testify in any proceeding or she testifies in any proceeding, the contempt was issued because she has failed to abide by the Order of this Court, mainly the production of Maurice M.

If Maurice M is produced, by whatever means, this Court will purge its contempt. If the child could be produced by anyone or any vehicle, and we would be satisfied.

If she chooses to remain silent, which is her right, she has made her own choice as to her methods of purging. That's not the only method of purging Contempt.

MR. LIPMAN: Your Honor, our position—however you phrased it—is that the product of her mind has to yield the whereabouts of Maurice M. That now, she has to speak to someone, that somehow she has to order some agent, through her mind, through her lips to produce Maurice M.

The 5th Amendment, in Article 22, was very broad. Despite some of the well-researched cases by Miss Blimline and Mr. Mervis, when you look at the major cases on testimonial vs. nontestimonial, *South Dakota vs. Neville*, the Court is very, very careful to not say there is this kind of nuance line between real testimony, real evidence and testimony in fact.

They repeatedly go back and say, we are not going to get into this little nuance between when something is a statement by lips, when something is, at the same time, by acts [11] repeatedly.

I know, Your Honor, has read the case; but Neville is right there. We are talking about the blood alcohol test for a drunk driving situation. Justice O'Connor refused to get in that little trap of saying: Well, this is real evidence here; this testimonial evidence.

The line is very blurry. Whenever that line is real blurry, we are going to say, it's the 5th Amendment. That's precisely what's going on here now. She can speak one way or she can speak another way. There is testimony. They think it is smack down in the middle of 5th Amendment.

THE COURT: Perhaps, this may be the occasion for further reviews.

MR. LIPMAN: In that regard, I would like to make sure that the record includes—and we put in a number of documents at the last hearing. It does include the tran-

script. I have a copy of it—of the proceedings before Judge Angeletti, on April 20th.

THE COURT: Isn't that your responsibility for assembling the transcript when you take this matter to the Annapolis?

MR. LIPMAN: Yes, Your Honor. I would like, Your Honor, to consider in his ruling today, many of the statements as made to considered in good faith by Judge Angeletti and Miss Blimline, where they repeatedly said:

[12] "This child could be harmed. I'm going to start this Contempt Proceeding right away, so we can get to this child. I'm really afraid that this child is greviously hurt."

There is nothing wrong with the attempt by Judge Angeletti and Miss Blimline. It tells us quite clearly that there is great fear on the part of the respondent in the broader sense of the word.

THE COURT: It is a given that there is great fear for this child. We have a situation where the child was placed in the custody of the mother in August of 1987.

The last time, the agency had official contact with the child was September of 1987. Here, it is, in April of 1988 and the Department files a Petition for Emergency Relief, saying we haven't seen the child. We don't know what's happening with the child.

Apparently, a Missing Persons Report was also filed by the agency on behalf of the child. Obviously, someone feels that this child may be at risk. If it wasn't felt to be at risk, these proceedings would not even have taken place.

MR. LIPMAN: If, Your Honor, please, a risk for the child at the hands of Miss Bouknight—in other words, that we are in fear, that the State will prosecute Miss Bouknight.

THE COURT: I don't know that the State of Maryland, in it's many presentations, has suggested that the child is at risk at the hands of Miss Bouknight.

[13] The State has indicated that the child is at risk. We don't where the child is—a 19-month old child whose whereabouts, that is unknown, is at risk under any circumstances.

MR. LIPMAN: Again, also, I say on the transcript which I will introduce, or have been introduced I hope—if, Your Honor, please, the next—Miss Bouknight—

THE COURT: Are there any objections of the transcript of the prior proceedings?

MS. BLIMLINE: Yes, Your Honor. I don't see where it is relevant to today's proceedings at all.

MR. MERVIS: I have not had an opportunity to review it. I was just handed the transcript, forthwith.

THE COURT: Read the transcript. The Court will allow them to be introduced into evidence.

MR. LIPMAN: I'm talking page 19 and 20 of the transcript.

THE COURT: Is there a reason we didn't do this before the hearing began?

MR. LIPMAN: I got it yesterday. I received it from them this morning. I received it this morning. I'm not complaining about either of those. I gave them the first opportunity. I will give it to Miss Blimline and Mr. Mervis.

THE COURT: Read them, folks.

MR. LIPMAN: Your Honor, what I'm hoping to do is quote [14] page 19 and page 20 of the April 20th of 1988 transcript, page 19 and 20 of the April 20th.

MR. MERVIS: Your Honor, I have read the passage and I have no objection to it.

THE COURT: The Court will mark it as Mother's Exhibit No. 1, for today's proceedings, but we ought to be making this successive. I don't know the successive numbers. We will mark them No. 1, simply for clarity.

MR. LIPMAN: If, Your Honor, please, there has been prior discussions, prior to this point, of a report by a Dr. Eisenberg, a psychologist.

THE COURT: That's part of the court record.

MR. LIPMAN: That's part of the court record. The Court, in this instance, Judge Angeletti has read the report and makes the following statement:

"The child's representative, Miss Watts, joined in with the Department of Social Services. Apparently, a decision has been made to terminate the foster care relationship even in light of the finding by Dr. Eisenberg, that is, it is not recommended that she regain custody of the child because it cannot appear that she's emotionally capable of providing the proper nurturance and care that would be required for this child's safety and security.

She's in need of intensive and extensive intervention, both emotionally and socially, to help her deal constructively [15] with not only her own internal issues, but also those requirements for independent and self-sufficient functioning.

What that tells me, we have a lady in a severe crisis here and also probably, a dead child somewhere. And it is depressing to know, and I'm not going to kid you, between the fear that this woman has killed or harmed this child in this Contempt Order is just there. It is smack there, right in the middle that we feel."

THE COURT: Mr. Lipman, you have made that point very, very clear. Suppose the child walked in the door at this very moment, how is that testimony on her part? No, take my supposition. How is that testimony on her part?

MR. LIPMAN: If the child walked in here, God forbid, disfigured—

THE COURT: No. Mr. Lipman, don't change my supposition. Accept it. The child walks in the door. It would No. 1, purge the contempt. How is that testimonial?

We can then get to the issues of what condition the child might be in; but let's take, right now, the child walking through the door.

MR. LIPMAN: Under his own power, an 18 month old?

THE COURT: Take my supposition. Is that testimonial?

MR. LIPMAN: Is it testimonial? If, yes—

THE COURT: It is testimonial.

MR. LIPMAN: Yes.

[16] THE COURT: How?

MR. LIPMAN: It has to relate to something.

THE COURT: What do I care what it relates to?

MR. LIPMAN: Your Honor, I'm not concerned about what you care.

THE COURT: I understand.

MR. LIPMAN: I'm concerned about what the prosecutor cares about.

THE COURT: That's fine. You are concerned about the prosecutor; and the Court is particularly—I'm concerned about the child. That's all. I'll concerned about producing that child.

If it comes in with the grandmother, with the local priest, or with a physician, it matters not. It would come in to this court. The Order of this Court is for the production of that child.

I do not know how that in any way is probing, whatever, might be in this lady's mind. I am not concerned about

her testifying in these proceedings. I will protect her right to not be testifying in these proceedings, or instead, she has invoked her Right of the 5th Amendment. No problem.

MR. LIPMAN: I would call the Court's attention to *Maness vs. Myers*; in that situation, there was no criminal action, whatsoever. There was a judge or a board of some sort, that was inquiring as to the zoning or the appropriateness of [17] having a dirty bookstore on a corner in the city. There was no criminal charges pending. The one party asked for the magazines. The 5th amendment applied, bring in the magazines. There is a reasonable fear that in that may contain many pornographic material. There would be a future prosecution as to pornography, and the 5th Amendment applied. That's the situation we have right here. Smack down.

I understand the Court's concern for the child, of course; but it is not only a criminal proceeding. It is in any kind of proceeding.

There was great fear by history's view—now probably stupid fear; but there was real fear that communists were taking over the country in 1950, and national hearings were held to go and find them.

There was a real fear. These were national hearings. They were trying to take care of running a government. People came up and took the 5th Amendment. They were trying to be protected. I'm not saying historically we lived in fear; but there was a real fear and a real government interest.

I don't doubt that the Court has a real interest, totally appropriate under the Juvenile Court Act for the well-being of the child. But that is precisely when the 5th Amendment applies, when the person fears that that real interest can translate into a prosecution.

THE COURT: There is no question that the the lady has [18] the right to assert her claims under the 5th

Amendment; and we are not dealing with how an American acts.

MR. LIPMAN: I understand those are real fears here.

THE COURT: But this Court asserted jurisdiction over this child in May of 1987; and it has been continuous, uninterrupted since then. That child still is under the jurisdiction of this Court; and this Court orders, properly so, the production of that child.

It ordered that and issued an Order to the custodian of that child to bring it before this Court. That Order has not been obeyed. The Order is not going to be berated by an assertion here that the Court believes is not complete.

They're ways that this lady can purge herself of the contempt of this Court that does not involve her testimony. It did not take too inventive of a mind to create circumstances in which we can have this Court's curiosity and its Order affirmed.

Under those circumstances, this Court is not going to relinquish it's previously issued Order. It will stand. She is in Contempt of this Court, and it continues until that child is produced.

Remember the Court finds persuasive, the reason that has been presented to it in the memoranda from the Department of Social Service, and the child's representative. It has also found the cases referred to persuasive.

It is not to say, that Miss Bouknight cannot have a 5th [19] Amendment privilege, though there have been instances throughout this case, prior to Mrs. Bouknight even coming to court, where her words have been presented on the record.

We go directly to the comment made by Miss Parsons, in the proceeding before Judge Angeletti, when she said she had just spoken with the mother. The mother said, I have the baby, and I will bring him to court. The child

did not appear in court, and the mother also did not appear in court. Those were proceedings before Judge Angeletti.

We go to the situation where on several occasions, this lady's words have been brought into court, prior to her ever coming into court. She is now here; and she invokes her 5th Amendment privilege.

Obviously, this Court is not going to ask her one question. You have advised the police department. And if they asked her questions, it would be stupidity on their part if they continue to question her. I don't think the methods of the Baltimore City Police Department or the prosecution through the State's Attorneys Office could be that insane.

So, if they are, whatever value they gain from the information received, will not assist them in the prosecution in all likelihood.

Those issues, however, are not of interest to me. Her 5th Amendment privilege is interesting to me; and I will protect it.

[20] What I want, as a Judge of the Circuit Court for Baltimore City, Division for Juvenile Cases, is enforcement of the Order, lawfully issued for the production of this child, pursuant to 3815-C as well as the previous Order, signed by Judge Johnson, placing this child in the protective supervision of this lady.

Your request to quash the Order of Contempt is denied. The Order of Contempt will continue. We will make sure that your record is complete. If an Appellate Court wants to look at this thing; and frankly, the Court invites their perusal because this is an important question, we will protect it.

MR. LIPMAN: Thank you, very much.

MR. MERVIS: Nothing for the child.

MS. BLIMLINE: Nothing for the Department, Your Honor.

THE COURT: The Order of Contempt continues. Miss Bouknight is free to purge herself of contempt at any time, through the production of the child, Maurice M . Pending that production, she will remain in the custody of the Baltimore City Jail, without bail.

This Court will always be available. If this Judge is not available at any moment to receive the child and in the satisfaction of the Court's Order, there are judges available on weekends and during holidays.

If there is the production of the child and it becomes known to the Department of Social Services, the child's [21] representative, or anyone with knowledge of that child, they simply either call the Baltimore City Department of Social Services, the child's representative, or even counsel for the mother and present the information.

If they need to reach this member of the Court, personally, after hours, you may simply call the 396-3100, which is the City Hall operator. They have my home phone number, and they will try to reach me. There is a Duty Judge, assigned by the Circuit Court on rotating weeks, District Court on option weeks.

The Judge is always available to release this lady from jail upon her purging herself of the Order of Contempt.

If you need the Clerk of the Court for assistance and access to the record of the court, Mr. James Benton is listed in the telephone book, and the Court is positive, he will be available 24 hours a day.

There is, also, a clerk of this court whose available 24 hours a day and on duty to assist any party who has an emergency matter that needs to be brought to the attention of the Court.

We stand fully ready at a moment's notice to release her under the contempt. We do not seek to hold her for one second longer than we have to. I will not release her pending until the child is produced. Thank you.

POLICE DEPARTMENT
Baltimore, Maryland

MISSING PERSON

Name: Maurice M
DOB: 10/3/86
3'0", 25 lbs
Black Hair, Brown Eyes

This agency is attempting to locate the above child who was last seen in September 1987.

Anyone having information is requested to contact The Missing Persons Unit at (301) 396-2334 or the Homicide Unit at (301) 396-2721

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